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REVOLUTIONARY LEADERS OF NORTH CAROLINA

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—THE EDITOR.

I

NORTH CAROLINA FROM 1765 TO 1790

INTRODUCTORY LECTURE

Two periods in the history of the United States seem to me to stand out above all others in dramatic interest and historic importance. One is the decade from 1860 to 1870, the other is the quarter-century from 1765 to 1790. Of the two both in interest and importance precedence must be given to the latter. The former was a period of almost superhuman effort, achievement, and sacrifice for the preservation of the life of the nation, but it did not evolve any new social, political, or economic principles. Great principles already thought out and established were saved from annihilation, and given a broader scope than ever before in the history of mankind, but no new idea or ideal was involved in the struggle. The ideas and ideals involved in the struggle of the sixties were those that had already been established during the quarter-century from 1765 to 1790. That epoch was a period of origins. Ideas and ideals of government developed in America then came into conflict with the ideas and ideals of Europe. Colonies founded on these new principles revolted against the old, threw off the yoke of their mother country, organized independent states, and having achieved their independence, established a self-governing nation on the federal principle on a scale never before attempted in the history of the world.

It was a period of ideals. Other great revolutions have found their origin in actual physical suffering

and oppression. People of other ages and countries have dared and suffered as much for freedom as Americans, but probably nowhere else have a people, free, contented, prosperous, and happy, deliberately imperilled all for the sake of an ideal. At the time of the American Revolution the condition of the American people was the envy of the world. No other people enjoyed so much political freedom, or so much material prosperity. The acts of the British government of which they complained and against which they revolted were not oppressive, and among any other people at that time would have been accepted quietly, as the acts of a benevolent government. But they violated a principle, which the American people conceived to be the foundation of their liberty, prosperity, and happiness. Other peoples perhaps would have waited until the acts became actually oppressive; the Americans chose to resist the first trespass on their privileges and liberties. As Burke said: "In other countries, the people, more simple, and of a less mercurial cast, judge of an ill principle in government only by an actual grievance; here they anticipate the evil, and judge of the pressure of the grievance by the badness of the principle. They foresee misgovernment at a distance; and snuff the approach of tyranny in every tainted breeze."

It is this fact, it seems to me, that makes the American Revolution the most interesting event in our history. From 1861 to 1865, the American people raised armies that make Washington's little band of Continentals appear like a small body-guard; they fought battles which by comparison dwarf Bunker Hill, Moore's Creek Bridge, Saratoga, and Guilford Court House into mere skirmishes. But when we look

beneath the surface and see the motives which inspired the men of the Revolution, when we understand the ideals and principles for which they fought, and when we see the momentous results that hung upon their deeds, we shall better understand why it is that Washington and those who followed him must always remain first in the list of American immortals.

The part which North Carolina played in that contest as seen in the careers of four of her leaders will form the theme of the first series of these lectures. Four events stand out as the chief achievements of that period in North Carolina. They were, first, the incitement and organization of the people for revolution; second, the development of the sentiment for independence; third, the adoption of the state constitution and the inauguration of the independent state government; fourth, the ratification of the constitution of the United States and the formation of the American Union. In each of these movements a man of commanding genius led the people. It was John Harvey who from 1765 to 1775 fanned the spirit of revolt and organized the colony for revolution; it was Cornelius Harnett who embodied the spirit of independence and became its mouth-piece; it was Richard Caswell who, having stood watch over the state government at its birth, was placed in charge during its infancy and guided it in its growth into strength and power; and it was Samuel Johnston, leader of the North Carolina Federalists, around whom the friends of the Union and good government rallied in the fight to make permanent the results of the Revolution. The lives and works of these four men, therefore, will be the topics which I shall discuss; but before enter-

ing upon my task, something must be said of the stage upon which they moved and of the means with which they worked.

Let us take a glance first of all at the stage upon which the drama was enacted. In 1765 North Carolina stretched from the Atlantic on the east to the Mississippi on the west and embraced more than one hundred thousand square miles of territory. A large part of this territory was a wilderness, inhabited by wild beasts and hostile barbarians. Its white population was thinly scattered along the coast, the riverbanks, and up and down the fertile valleys of the Piedmont section. Daniel Boone, James Robertson, and a few other bold hunters and pioneers were just beginning to get a peep over the mountain wall on the west, where they were to be followed during the next decade by a few adventurous spirits who were to lay the foundations of the states of Tennessee and Kentucky. The white population of North Carolina at that time, as nearly as can be estimated, numbered perhaps 300,000. In this respect North Carolina ranked fourth among the thirteen colonies, following Virginia, Pennsylvania, and Massachusetts.¹ In the eastern part of the colony, along the Atlantic coast, the banks of the Roanoke, the Pamlico, the Neuse, and the lower Cape Fear, the predominating element was English. These people, proud of their English ancestry and their connection with the British Empire, were thoroughly imbued with the spirit of English constitutional liberty, jealous of their rights, and quick to resent any trespass upon them. Their leaders thoroughly understood the British constitution, and

1. Colonial Records of North Carolina, XVIII., xlv.-xlv.

conceived themselves, even in the wilds of America, to be fully protected by its principles; and when those principles, as they understood them, were violated by the British Crown and Parliament, they were ready to appeal to arms in their defense. To the west of these English settlements, on the upper waters of the Cape Fear, were the Scotch-Highlanders, a brave, war-like race, newly settled in the province, and wholly ignorant of the causes of the revolt against the mother country. They knew nothing of the British constitution or of the charters upon which the colonial government was founded. Accustomed to be governed by an hereditary chief, whose word was their only law, and having recently sworn allegiance to the Crown, they looked upon the king as the chief to whom they owed explicit and unquestioned obedience. Scattered among the hills of the Piedmont section were the Scotch-Irish, a democratic people, trained to self-government in their church affairs and as little likely as their English cousins of the East to submit to oppression. The German, whose settlements bordered on those of the Scotch-Irish, were an industrial people. Neither in their native land nor in America had they taken any part in the government. It was a matter of indifference to them whether they were governed by a sovereign in England or by one in America, by a monarchy or by a democracy. So long as the government maintained peace, protected them in the enjoyment of their property, and allowed them freedom of conscience in their religious life, they did not trouble themselves as to who wielded the power of the state. During the Revolution, therefore, they remained neutral, distributing their supplies and offering their hospitality to Britons

and Americans alike. The Revolution in North Carolina, therefore, was waged by the English of the eastern and the Scotch-Irish of the western parts of the province, against the active opposition of the Scotch-Highlanders and the passive indifference of the Germans.

Agriculture was the principal occupation of the people. In the East, among the English, agriculture was carried on by slave labor; among the Scotch-Irish the settlers owned but few slaves and largely performed their own labor. Accordingly the prevailing sentiment of the East, socially and politically, was aristocratic; in the West it was democratic. It is characteristic of an aristocracy that its leaders are efficient and well-trained. While the great mass of the people were illiterate, the wealthy planters were well educated. Many of them were graduates of the English universities, while others were educated at Harvard, Yale, and William and Mary College. The greatest difficulty with which the Americans had to contend during the Revolution was the lack of manufactures. Such manufactures as existed in North Carolina were home-made. Most of the manufactured articles used in the colony were imported from England and exchanged for farm products. Thus quite an extensive commerce had been established between North Carolina and the other colonies, and between North Carolina and the mother country. Wilmington, New Bern, and Edenton were the chief towns on the coast; in the interior Halifax, Hillsboro, and Salisbury were centers of political and social life. Fourteen miles below Wilmington on the west bank of the Cape Fear, was an important town which has since been abandoned. This was Brunswick, the residence

of Governor Tryon, and the scene of the resistance to the Stamp Act. Before 1771 there was no permanent seat of government; the governors resided where they pleased and the Assembly met at Wilmington, New Bern, Halifax, or Edenton as it pleased the governor. But after the completion of the Tryon Palace in 1771, New Bern became the capital.

In order to understand the careers of the men whom we shall study, it is important that we shall understand the organization of the colonial government and the relations of the several departments to each other. The organization followed the plan of the British government.² Corresponding to the king was the governor; to the judiciary, the colonial courts; and to Parliament, the General Assembly. The governor was, of course, the chief of the executive branch. He received his appointment from the king, was responsible only to the king, and could be removed by the king. None of our colonial governors, during the period of royal rule, was selected from among the colonists themselves. The governor was usually some favorite of the king, or the friend of some nobleman influential at Court. He thus came among the people totally ignorant of their conditions, needs, and ideals, and, as a rule, hostile to their political principles. All of his important acts were controlled by instructions sent him from time to time from England, and these instructions he was compelled to obey regardless of the wishes or the interests of the colony. As they frequently conflicted with the views of the colonists, the result was an almost con-

2. See Raper, C. L.: *North Carolina: A Study in English Colonial Government*.

tinuous state of political warfare between the Assembly, representing the people, and the governor, representing the Crown. The people did not regard the governor as their representative, nor did the governor regard himself as such. He represented the Crown, and he regarded his duty to the king as superior to any obligation he owed to the people. He was, in a word, not the people's governor; he was the king's vice-gerent, and his first duty was to obey the commands of his master. This is a point of cardinal importance in the study of the Revolution.

In his executive duties the governor was assisted by a Council, but the Council had no control over his actions beyond the giving of advice. The members of the Council were appointed by the Crown upon the recommendation of the governor, and as they owed their selection to the governor, we may easily imagine that their advice did not often conflict with his wishes. This tendency, however, was to a certain degree offset by the fact that the councillors, as a rule, were residents of the colony, imbued with the same ideas as their fellow-colonists, and controlled, to a certain extent, by public opinion. We occasionally find, therefore, a councillor willing to risk the governor's disapproval and removal from office, in the interest of the colony. The Council formed part of the judicial branch of the government; and also formed the upper chamber of the General Assembly. Appointment to the Council was regarded as one of the highest honors that could be conferred upon a colonist and was sought by the wealthiest and most prominent men of the province.

The legislative power of the government was vested in the General Assembly which, like the British

Parliament, was composed of two houses—the Council and the House of Commons. The members of the House of Commons were elected by the people. Each county was entitled to two members, except Pasquotank, Perquimans, Tyrrell, Chowan, and Currituck, which under an old law were entitled to five, and Northampton to three. Certain towns, viz: New Bern, Wilmington, Brunswick, Edenton, Halifax, Hillsboro, and Salisbury, were entitled to send one member each. Members of the Colonial Assembly like members of the British Parliament, were not required to live in the county or town which they represented, and they were not elected for any specific term. The life of an Assembly depended solely upon the will of the governor. He had the power to call the Assembly together, to select the place for it to meet, to dismiss it for any length of time that pleased him, or to dissolve it altogether and order a new election when he pleased, and it could not meet or remain in session except by his will. If, therefore, as sometimes happened, an Assembly was composed of men who were disposed to please the governor, he would keep that Assembly for several years, calling the members together or proroguing them according to his own wishes; on the other hand, if the members were hostile to him and his measures, he might either refuse to call them together at all, or dissolve them and order a new election as he pleased. Thus Assemblies sometimes lasted ten or a dozen years, at other times ten or a dozen days, according to the whim of the governor. Several attempts were made to pass laws setting regular times for elections and for the sessions, but the governor had the veto power and always used it against such bills. He could either veto a bill him-

self, or if he did not care to take the responsibility he could refer it to the king for his approval or disapproval. In either event the king had the power to approve or revoke the governor's action. The Assembly elected its own officers, but its choice was subject to the approval of the governor. The speaker of the Assembly was the highest officer over which the people, or their representatives had any control, and consequently the leader of the popular party was usually elected to it. Thus it happened that the governor, as the representative of the Crown and the royal party in the colony, and the speaker, as the representative of the Assembly and the popular party, were frequently the leaders of hostile factions; and much of the politics of colonial times turns on this relationship. It was as speaker of the Assembly that John Harvey, from 1765 to 1775, became the leader of the revolutionary party and the organizer of the Revolution.

The Revolution was due to the fact that the colonists and the British government held conflicting theories as to the relation existing between the colonies and the British Parliament. The colonial government of North Carolina was based upon charters issued by the Crown to the Lords Proprietors. In every one of these charters, in the charter granted to Sir Walter Raleigh by Queen Elizabeth in 1584,³ in that granted by Charles I to Sir Robert Heath in 1629,⁴ and in those granted by Charles II to the Lords Proprietors in 1663 and in 1665,⁵ it was distinctly set forth that the people

3. Printed in Thorpe: American Charters, Constitutions and Organic Laws, I., 53-57.

4. Printed in Col. Rec., I., 5-13.

5. Printed in Col. Rec., I., 20-33, 102-114.

of the colony should be entitled to all the privileges, franchises and liberties held and enjoyed by the people of England. The English people considered that the foundation of all their privileges and liberties rested upon the principle that the subject should not be taxed except by his own consent or the consent of his representatives. This principle was not denied by George III and his ministry. Their trouble with the colonies arose over the question, who were the representatives of the colonists? The ministry declared that they were represented in Parliament; the Americans replied that they were represented only in their colonial assemblies. Parliament, they contended, was supreme in all imperial affairs; but the Parliament of England had no more power over the local affairs of the several colonies than the assemblies had over the local affairs of England. Within their spheres the assemblies were supreme; they bore the same relation to the internal affairs of the colonies that Parliament bore to the internal affairs of Great Britain. Between the colonies and England, according to the colonial theory, there existed the same relation as existed between the several colonies themselves; that is to say, they acknowledged allegiance to the same sovereign, but in all other respects they were independent of each other. Therefore, in all the controversy between the colonies and the mother country the former addressed all of their petitions and remonstrances to the king. They did not send petition to Parliament, because to do so would be to acknowledge the very thing they were protesting against, i.e., the authority of Parliament, and when they came to declare their independence, it was the king, not Parliament, against whom they

brought their charges of misgovernment. They could not declare themselves independent of Parliament, because they denied that Parliament had ever had any constitutional control over them. Read the Declaration of Independence, you will observe that nowhere in that document is Parliament mentioned. It was the king who had refused his assent to wholesome and necessary laws; the king who had obstructed the administration of justice; the king who had quartered soldiers on the people; the king who had rendered the civil power dependent upon the military power. The only reference made to Parliament in the Declaration of Independence, is the charge that the king "has combined with others [i. e. Parliament] to subject us to a jurisdiction foreign to our Constitution and unacknowledged by our laws; giving his assent to their acts of pretended legislation."

You are, of course, familiar with these "acts of pretended legislation," but let me recall them briefly to your memory in the order in which they occurred so that in the future mere reference to them will be sufficient. First came the Stamp Act in 1765. Nothing could have been further from the thought of the British ministry, when this act was passed, than the idea that it would be resisted in America. The taxes levied under it were not oppressive—indeed, no form of taxation is so little vexatious as a stamp act. So little did anyone in England dream of resistance, that Benjamin Franklin, then representing Pennsylvania in London, recommended one of his friends in Philadelphia as the stamp agent for his colony, and thought that he was doing his friend a service. England was astonished at the outburst of wrath with which America greeted the Stamp Act. As you know, it

was promptly repealed the next year. Its repeal, however, was coupled with the passage of another act, little noticed at the time in the celebrations over the repeal of the Stamp Act, but very important in its bearing on the Revolution. This was the Declaratory Act, passed in 1766, which declared that Parliament had the right to legislate for the colonies "in all cases whatsoever." If the matter had been allowed to drop there, nothing would ever have been heard of the Declaratory Act. But in 1767 an effort was made to put this declaration into effect. Then was passed the Townshend Acts, better known in our history as the Tea Tax. The object of this act was to raise money to pay the colonial governors and other officials so as to render them independent of the colonial assemblies. As the resistance to this act was led by Massachusetts, five acts were passed to punish that colony. Under these acts, persons in Massachusetts suspected of encouraging resistance to Parliament were to be arrested and sent to England for trial; town-meetings were forbidden and two regiments of British troops were ordered to Boston to overawe the people of that town. The blow was aimed at Massachusetts alone, but the other colonies promptly rallied to her support and raised the cry that the cause of Massachusetts was the cause of all. Finally after ten years of petitions, remonstrances, and addresses, the dispute came to blows and bloodshed. Then it was, in February, 1775, that the king issued his proclamation, declaring the colonies out of his protection, ordering his fleets and armies to enforce obedience to the acts of Parliament, and thus drove the colonies into open war and revolution. These five steps, therefore, must be borne carefully in mind if

you would follow my story of the careers of Harvey, Harnett, Caswell, and Johnston, viz: the Stamp Act of 1765, the Declaratory Act of 1766, the Townshend Acts of 1767, the five Massachusetts Acts of 1774, and the king's proclamation of 1775.

In North Carolina, as in the other colonies, resistance to these acts was first made through the Assembly. From 1765 to 1774, the voice of the Assembly was the voice of the people, and so long as this voice was free there was no thought of substituting any other for it. But it must be remembered that this voice was not always free as the life of the Assembly was dependent upon the will of the governor who, of course, supported the Crown in this controversy. Thus, in 1765, when North Carolina was asked to send delegates to the Stamp Act Congress, Governor Tryon, in order to prevent it, refused to call the Assembly together until it was too late to elect delegates. The colony, therefore, was not represented in the Stamp Act Congress. Again, in 1774, when the colony was asked to send delegates to a continental congress, Governor Martin, who had succeeded Tryon, tried the same tactics. He too refused to call a meeting of the Assembly. But the revolutionary leaders were prepared for such a contingency. John Harvey, speaker of the Assembly, met the governor's refusal by issuing a call for a provincial congress independent of the governor. This Congress met in August, 1774, and was the beginning of the revolutionary government which superseded the royal government and ruled the colony until the establishment of the state government in 1777. It is necessary to describe this provincial, or revolutionary government. At its head was the Provincial Congress. While supreme in all

civil and military affairs, it was really the successor of the General Assembly and its especial functions were legislative. Under this Congress was the Provincial Council, later the Council of Safety, which was the chief executive power of the government, although at times it also exercised certain judicial functions. Under the control of the Council were the committees of safety.

Congress was the supreme power in the state. It met annually at such time and place as were designated by the Provincial Council. Each county was represented by five delegates elected by the people just as the members of the Assembly had been elected. The borough towns each had one delegate. No constitutional limitation was placed on the powers of Congress, and as the supreme power in the province it could review and pass upon the acts of the executive branch of the government. The executive branch consisted of the Provincial Council and the committees of safety. Committees of safety were organized in each town and county. It was their duty to execute the orders of the Provincial Council and the Continental Congress; to collect taxes; to purchase arms, gunpowder, and other munitions of war; to arrest, try, and punish persons suspected of disaffection to the American cause; and to make such rules and regulations as they saw fit to enforce their authority. The Provincial Council was the chief executive authority of the new government. It was composed of thirteen members elected by the Congress. Authority was given to the Council to direct the military operations of the province, to call out the militia when needed, and to execute the acts of the Congress. It could issue commissions, suspend

officers, order courts-martial, reject officers of the militia chosen by the people, and fill vacancies. But its real power lay in a sort of "general welfare" clause which empowered it "to do and transact all such matters and things as they [sic] may judge expedient to strengthen, secure, and defend the colony." To carry out its powers, the Council was authorized to draw on the public treasury for such sums of money as it needed, for which it was accountable to Congress. In all matters it was given authority over the committees of safety, and in turn was subject to the authority of Congress. Its authority continued only during the recess of Congress, and Congress at each session was to review and pass upon its proceedings. Such was the government that was to organize, equip, and direct the military forces raised by the Congress and to inaugurate the great war about to burst upon the colony.⁶

This revolutionary government ruled the colony from 1774 to 1777. After the Declaration of Independence, it became necessary to organize and establish a more permanent form of government. An effort was made by the Congress at Halifax in April, 1776 to adopt a constitution, but the members could not agree, and the matter was postponed until the following December. The Congress met in November and after two months of arduous work, finally agreed on a constitution which was adopted December 18, 1776.⁷ Under this constitution the powers of the government were divided into three departments—

6. For a more detailed account of this provisional government, see Connor: Cornelius Harnett: An Essay in North Carolina History, 102-119, 152-178.

7. Col. Rec., X., 1006-1013.

executive, embracing a governor and his Council; judicial, embracing a superior court and inferior county courts; legislative, embracing two houses, the Senate and the House of Commons. The governor and his Council were to be elected by the Legislature for one year and no man could serve as governor for more than three years in any term of six years. The judges were also elected by the Legislature, and held office for life, or during good behavior. The General Assembly was composed of two representatives and one senator from each county. Warned by its experience with the royal governors the Congress gave the governor under the Constitution no power over the General Assembly. "What powers, sir," asked one of William Hooper's friends, "were conferred upon the governor by the new constitution?" "Power," replied Hooper, "to sign a receipt for his salary," and indeed, that was about all. The Assembly met annually at such time and place as it chose, determined the length of its sessions for itself, and its acts did not require the approval of the governor. This relation between the governor and the Assembly established in 1776 continues until this day, and though there are those who think the governor should be granted the veto power, nevertheless in view of our past history, the burden of proving the advantage of this innovation is certainly upon them. The government as inaugurated under the constitution of 1776 was put into operation January 1, 1777, with Richard Caswell at its head, and more than half a century passed before any changes were made in it.⁸

8. Col. Rec., X., 1013.

The grand result of the war of the Revolution was, of course, the formation of the American Union. How great an event it was the framers of the constitution themselves could not fully appreciate; and even today we can appreciate only by calling in the aid of our imagination. As the United States continues to grow in wealth and in power, as English-speaking people continue to spread over the face of the earth, carrying with them their social and political ideals, the world will come to appreciate more and more the magnitude of the work accomplished by the little band of English-speaking colonies which fringed the Atlantic coast during the quarter-century from 1765 to 1790. Already we see the influence that the ideals for which they struggled have had in liberalizing and democratizing the older governments of the world, until today we behold the people of the most ancient empire on earth seeking admission into the ranks of the world's republics.⁹ As we recede in years further and further from the men who started this movement in 1765 and brought it to its successful consummation in 1790, their figures will loom larger and larger on the pages of history. It remains for me now briefly to trace the beginning of this movement.

I have already pointed out the relations of the thirteen English colonies to each other in 1765. Politically their only bond of union was the fact that each acknowledged allegiance to the Crown of England. Otherwise they were, as regards each other, as separate and distinct as they were from the Spanish colonies to the south of them. Not only was there

9. When these lectures were delivered the short-lived Chinese Republic had just been organized.

no bond of union between them: there was little sentiment favorable to the formation of any such union. You will remember that in 1754, during the French and Indian War, Benjamin Franklin proposed a plan of union for the purpose of resisting the French, and urged it with all of his great ability, but he found no responsive chord in the hearts of the colonists. What was needed to effect this object was a common cause in which the fate of every colony was involved. This common cause was supplied in 1765 when Parliament without a thought of its consequence passed the Stamp Act. Here was a cause that involved the oldest as well as the youngest of the colonies, the largest equally with the smallest, the wealthiest no less than the poorest, New England in common with the South. In the movement which resulted in the Federal Union there were five steps to which it is necessary for me to call your attention. First, the Massachusetts and Virginia circulars; second, the committees of correspondence; third, the Continental Congress; fourth, the Articles of Confederation and Perpetual Union; fifth, the Constitution of the United States.

As soon as news of the passage of the Stamp Act reached America, it became apparent that the colonies ought to adopt some uniform method of protest and resistance. It was important that in presenting their arguments against the measure there should be substantial agreement as to the principles upon which their opposition rested. Accordingly Massachusetts, through her Assembly, adopted and sent to each of the colonies a circular letter suggesting the line of argument to be followed and urging *unity* of action. Virginia adopted the same tactics after the passage of the Townshend Acts. Most of the colonies responded

favorably and thus in this simple way took the first step toward union. As the contest progressed it became necessary that there should be in each colony some *permanent* agency for co-operation in order that each colony might keep in close touch with all the others. The assemblies could not serve this purpose because, as we have seen, they were too dependent upon the royal governors who, of course, sympathized with the Crown and Parliament. Virginia, therefore, suggested that each colony should appoint a committee composed of nine of its leading men who should be a committee of correspondence, to keep in close touch with each other and to keep alive the spirit of resistance throughout the continent. Thus a still stronger bond of union was forged. But even this soon proved inadequate for the task, and men began to ask themselves, why should these committees do their work by correspondence only? Why should they not all hold a great meeting in New York or Philadelphia, a sort of congress of committees, and discuss our common affairs face to face? This idea found favor, and so the call went forth for a continental congress to which each colony was invited to send delegates. Thus, by this third step, a real union, never more to be dissolved, was effected. At first, of course, the Continental Congress had no real power. It had to depend upon public sentiment for the enforcement of its decrees. In the beginning when the enthusiasm of the people was high, this was sufficient; but as the struggle dragged on, it became apparent that Congress must have behind it some power more real than public opinion. And so a plan of union was drawn up, and submitted to the several states, called "The Articles of Confederation and Perpetual Union."

But this plan had many serious defects in it. Under it, Virginia, the largest of the states had no more power than Rhode Island, the smallest. Congress still had no power to enforce its own decrees, but had to depend on the states for it, and the states, after the danger from the common enemy was removed, frequently refused. Congress could not punish an individual for violation of its ordinances; it could not levy or collect taxes, but had to look to the several states for the very means of its existence. In a few years, therefore, Congress through its inherent weakness, fell into disrepute. It lost the respect of the people, and with the loss of respect of course it lost even its semblance of authority. The country was on the verge of civil war and anarchy through the lack of an effective national government, when Washington again came to the rescue and persuaded Virginia to invite the colonies to elect delegates to a convention at Philadelphia to amend the Articles of Confederation. The invitation was accepted, the great convention of 1787 met, and after a long summer of hard work, agreed upon a constitution and submitted it to the several states for ratification. It met with a great deal of opposition, but nowhere with so much as in Rhode Island and North Carolina. North Carolina held a convention at Hillsboro in 1788 to consider the new constitution. The friends of the Union rallied around their leader, Samuel Johnston, and fought a great battle for it; but they were defeated. All the other states, except Rhode Island, adopted the constitution, and the United States government was put into operation without the help of North Carolina and

Rhode Island. But the friends of the constitution in North Carolina had not lost heart. They continued their fight in its favor, and in 1789 had a second convention called, this time at Fayetteville, and after a session of only six days, succeeded in having the constitution ratified.

In the movements which I have thus hastily and briefly sketched four men came to the front as the embodiments of the thoughts, the sentiments, and the ideals of the people of North Carolina. It was John Harvey who fanned the spirit of the people into action and organized them for revolt; it was Cornelius Harnett who nursed the sentiment of the people for independence and became their spokesman on that subject; it was Richard Caswell who led the people in battle and on the battle-field helped to win that independence for which he had spoken in the halls of legislation; and it was Samuel Johnston whose leadership resulted in the ratification of the Constitution of the United States and who first represented his state in the Senate of the Federal Union which he had done so much to make possible. It is to a consideration of the lives, services, and characters of these four patriots that I shall now invite your attention.

II

JOHN HARVEY

During the decade from 1765 to 1775—the decade that witnessed the revolt against the authority of Parliament, the inauguration of the Revolution, and the overthrow of the royal government in North Carolina—the dominant figure in our history is the figure of John Harvey. Although Harvey was truly the “Father of the Revolution in North Carolina,” less perhaps is known of his life, character, and services than of any of the other Revolutionary leaders of North Carolina. But little has been written about his career, and outside of the official records the student will find little more than a bare mention of the public offices that he held. Beyond the simple fact that he was born about the year 1725 in Perquimans County and, according to the injunctions of his father’s will,¹ received a good education, we know nothing of his early years. We may assume that like other boys of his time and situation he gave due attention to riding, hunting, fishing, swimming, rowing, and other sports common to frontier settlements. As soon as he was old enough to understand such things he manifested a lively interest in colonial politics; and as he was a promising member of a large, wealthy and influential family he early attracted the attention of the local politicians of the popular party. He was barely turned twenty-one when they brought him forward as a candidate for the General Assembly and

1. *Grimes, J. B.* (Ed.): *North Carolina Wills and Inventories*, 230-32.

elected him a member of the session held at New Bern, June 12, 1746.² From that day till the day of his death twenty-nine years later, he served continuously in the Assembly, and gradually forged his way to the front until in 1766 he was elected speaker of the House of Commons, thus becoming the leader of the people in their contest with the Crown and its representative, the governor.

During the second decade of his services, that is from 1754 to 1764, the most important work with which Harvey was concerned was in connection with the French and Indian War. During this critical period in our history, it was the misfortune of the colony to be governed by Arthur Dobbs, a dull, overbearing Irishman, who was so bitterly hostile to the French both as his country's hereditary foes and as Roman Catholics, that he made the wringing of money and soldiers out of the province for the prosecution of the war almost the sole object of his administration. The Assembly met his demands as liberally as it thought the situation and circumstances of the province justified, but it could not satisfy the governor. Greater demands pressed in impolitic language gave rise to sharp controversies over the powers of the Crown and the privileges of the Assembly. The governor, caring nothing for the privileges of the people and eager only to please the king and his ministry, was willing to raise troops and levy taxes for their support without regard to the Assembly; the Assembly, on the other hand, determined to keep the purse strings in its own hands and stoutly maintained that the only authority on earth that could legally levy

2. Col. Rec. IV., 318.

taxes on the people of North Carolina was their representatives in the General Assembly. It was in these debates that John Harvey won his way to the leadership of the people.

Though Harvey was firm in opposing the governor's efforts to usurp the functions of the Assembly, he nevertheless took broad and liberal views as to the duty of North Carolina in the struggle against the French. In the Assembly of 1754 he served on a committee which recommended an appropriation of £8,000 for war purposes, and secured its passage.³ Within less than a year, all British-America was thrown into consternation by the disastrous ending of Braddock's expedition. Governor Dobbs promptly called the Assembly together in special session and in a sensible, well-written address suggested that "a proper sum cheerfully granted at once will accomplish what a very great sum may not do hereafter."⁴ The House immediately went into committee of the whole with John Harvey as its presiding officer, to consider the means of raising £10,000. Harvey was on the committee which prepared the bill, by which £10,000 and three companies of soldiers were placed at the disposal of the governor. In 1756 the Assembly voted an appropriation of £4,400,⁵ and in 1757 an appropriation of £5,000, for war purposes.⁶ Harvey was again the leader of the House in securing these appropriations.

In the meantime the war had been going against the English. The summer of 1757 was one of the

3. Col. Rec., V., 243 et seq.

4. Col. Rec., V., 495 et seq.

5. Col. Rec., V., 734.

6. Col. Rec., V., 829 et seq.

gloomiest in the annals of the British empire. Success everywhere, in Europe, in India, and in America, crowned the arms of France. In America the French Empire "stretched without a break over the vast territory from Louisiana to the St. Lawrence."⁷ The Indians called Montcalm the "famous man who tramples the English under his feet."⁸ In July, however, a new force, fortunately for the American colonies, was introduced into the contest which, it is not mere rhetoric to say, in a few months raised the banner of England from the dust of humiliation to float among the most exalted stars of national glory. This force was the genius of William Pitt, "the greatest war minister and organizer of victory that the world has seen."⁹ Under the inspiration of his genius British armies in every quarter of the globe marched from victory to victory; and the summer of 1758 was as glorious as the summer of 1757 had been gloomy. In America the French stronghold at Louisbourg fell before the assaults of the New England militia; Fort Frontenac, the strongest French post on the frontier of New York, surrendered; while Virginia and North Carolina troops took Fort Duquesne and rebaptized the place as Fort Pitt in honor of England's great war minister.

Within his sphere, as William Pitt did within his, John Harvey contributed his full share toward the achievement of these triumphs. The North Carolina Assembly had quarrelled with Governor Dobbs, but inspired by the words and spirit of Pitt it made renewed efforts to support the war. Under the

7. Green: *Short History of the English People*.

8. Parkman: *Montcalm and Wolf*, I., 489.

9. Fiske: *New France and New England*, 315.

leadership of John Harvey, it voted to raise three more companies of troops and appropriated £7,000 for their support; and requested that the governor send them forward to the army in Virginia "without loss of time."¹⁰ These troops, under the command of Colonel George Washington, led the party that captured Fort Duquesne. In the winter of 1758, the Assembly voted another appropriation, £2,500, for the North Carolina troops then serving on the Ohio.¹¹ After this Governor Dobbs made a total failure in his efforts to direct the Assembly. More zealous than judicious, he allowed himself to become involved in a foolish quarrel over a trifling matter, and rather than yield a little where resistance could do no good, he foolishly threw away the supplies which a burdened people reluctantly offered. Quarrel followed quarrel; the sessions were consumed with quarrels. The Assembly, insisting upon its constitutional rights, refused to vote appropriations and levy taxes at the command of a royal governor; and Dobbs, in an outburst of wrath, wrote to the authorities in England that the members were "as stubborn as mules," and appealed to the king to strengthen his authority so that he might "prevent the rising spirit of independency stealing into this colony."¹²

In March, 1765, Dobbs died and was succeeded by William Tryon. Tryon called a new Assembly to meet at New Bern, November 3, 1766.¹³ On the first day of the session, records the journal, Richard Cas-

10. Col. Rec., V., 1003.

11. Col. Rec., V., 1063.

12. Col. Rec., VI., 251.

13. Col. Rec., VII., 342.

well "moved that John Harvey, Esquire, be chosen speaker; and [he] was unanimously chosen speaker and placed in the chair accordingly. Mr. Howe and Mr. Fanning waited on his Excellency, the Governor, and acquainted him the members had made choice of a speaker, and desired to know when they should wait on him for his approbation; and being returned acquainted the members that his Excellency said he would receive them immediately. The members waited on his Excellency the Governor in the Council Chamber and presented John Harvey, Esquire, to his Excellency for approbation, who was pleased to approve of their choice. Then Mr. Speaker asked his Excellency to confirm the usual privileges of the House, particularly of that of freedom of speech, to which his Excellency for answer was pleased to say that the House might depend he would preserve to them all their just rights and privileges."

Thus John Harvey at last had come to his own. Since the people then had no voice in the choice of their governor, the highest office within the gift of their representatives was the speakership of the Assembly. To this office the ambitious politician aspired, and to it the leader of the popular party was generally elected. This position John Harvey now assumed and during the remaining ten years of his life he never lost it, though he was once forced by ill health to lay it aside temporarily. It is of course impossible from the bare records that have been preserved to estimate accurately the exact share which he had in all of the stirring scenes enacted in the province during the next ten years; nevertheless, we know that as the recognized leader of the popular party his was the mind that directed the movements which inaugurated

the Revolution in North Carolina, that he was himself the author of many of them, while none was attempted until he had been consulted and his co-operation secured.

Grave matters, destined to change the course of history, awaited the attention of Mr. Speaker Harvey and the Assembly of 1768. The Stamp Act had been repealed, but the continent was now in a turmoil over the Townshend Acts. Massachusetts and Virginia had issued their famous circular letters inviting the co-operation of the other colonies in concerting measures of resistance in order, as they said, that their petitions and remonstrances to the king "should harmonize with each other." These circular letters, as I have already pointed out, were the first step in the formation of the American Union. On November 11, 1768, Mr. Speaker Harvey laid them before the Assembly for consideration.¹⁴ The Assembly promptly directed the speaker to answer them and ordered that a committee, of which Harvey was chairman, be appointed to prepare an address to the king protesting against the acts of Parliament levying taxes on the colonists. In his letter to the speaker of the Massachusetts Assembly Harvey said:

"I am directed to inform you that they [the members of the North Carolina Assembly] are extremely obliged to the Assembly of Massachusetts Bay for communicating their sentiments on so interesting a subject; and shall ever be ready firmly to unite with their sister colonies in pursuing every constitutional measure for redress of the grievance so justly complained of. This House is desirous to cultivate the

14. Col. Rec., VII., 928.

strictest harmony and friendship with the assemblies of the colonies in general, and with your House in particular. . . . The Assembly of this colony will at all times receive with pleasure the opinion of your House in matters of general concern to America, and be equally willing on every such occasion to communicate their sentiments, not doubting of their meeting a candid and friendly acceptance."¹⁵

In the address to the king, which Harvey as chairman of the committee probably wrote, the king was reminded that in the past whenever money was needed for the service of the public, the Assembly, upon the request of the king, had "cheerfully and liberally" voted it; and a like compliance in the future was promised. Then occurs the following passage remarkable for the plainness and boldness of its utterance:

"We therefore humbly beseech your Majesty to do us the justice to believe that on any future demand of a necessary supply for the support of Government or defence of your Majesty's dominions, the inhabitants of this province will, with the utmost cheerfulness and alacrity, contribute their full quota, but humbly conceive that their representatives in Assembly can alone be the proper judges not only what sum they are able to pay, but likewise of the most eligible method of collecting the same. Our ancestors at their first settling, amidst the horrors of a long and bloody war with the savages, which nothing could possibly render supportable but the prospects of enjoying here that freedom which Britons can never purchase at so [too?] dear a rate, brought with them inherent in their persons, and transmitted down to their posterity, all

15. The Boston Evening Post, May 15, 1769.

the rights and liberties of your Majesty's natural born subjects within the parent State, and have ever since enjoyed as Britons the privileges of an exemption from any taxations but such as have been imposed upon them by themselves or their representatives, and this privilege we esteem so invaluable that we are fully convinced no other can possibly exist without it. It is therefore with the utmost anxiety and concern we observe duties have lately been imposed on us by Parliament for the sole and express purpose of raising a revenue. This is a taxation which we are firmly persuaded the acknowledged principles of the British Constitution ought to protect us from. Free men cannot legally be taxed but by themselves or their representatives, and that your Majesty's subjects within this province are represented in Parliament we cannot allow, and are convinced that from our situation we never can be."¹⁶

The king turned a deaf ear to all such addresses and petitions. Thereupon the Americans began a movement to impress the people of England with a sense of the seriousness of the situation in order that public opinion in England itself might be brought to bear on the Crown and on Parliament. This plan proposed that all the colonies should bind themselves to purchase and import no more goods from British merchants and manufacturers until the acts of which they complained were repealed. The Americans shrewdly conceived that the quickest and surest way to strike John Bull's sense of justice was through his pocket-book. Such agreements, called the "Non-Importation Association," were drawn up and sent to

16. Col. Rec., VII., 980.

all the colonies for adoption. John Harvey brought the matter to the attention of the North Carolina Assembly, November 2, 1769.¹⁷ The Assembly had it under consideration when the governor, hearing of its purpose, hastily put an end to the session.

This sudden turn of affairs would have been a fatal blow to the patriot cause in North Carolina had it not been for the courage and prompt decision of John Harvey. Everybody knew that the effectiveness of the "Non-Importation Association" as a weapon for fighting the Townshend duties depended upon the unanimity with which it was adopted and enforced. Any one colony, especially so large and important a colony as North Carolina, could defeat the whole scheme. Governor Tryon knew that well enough and doubtless congratulated himself that he had been in time to prevent its adoption in North Carolina. But Tryon underestimated the boldness and resourcefulness of John Harvey, who resolutely threw himself into the breach and called upon the members of the Assembly to meet in a convention independent of the governor "to take measures for preserving the true and essential interests of the colony." Sixty-four of the seventy-seven members rallied at his call, organized as a convention, and elected Harvey moderator. After discussing the situation fully during a session of two days, the convention agreed upon a complete plan of non-importation and recommended it to the people in order to show their "readiness to join heartily with the other colonies in every legal method which may most probably tend to procure a redress"

17. Col. Rec., VIII., 121-24.

of grievances.¹⁸ When this same plan of non-importation was tried in opposition to the Stamp Act it was not successful and the Loyalists were disposed to ridicule the attempt to revive it against the Townshend Acts. But a new element had now entered into the controversy: the union sentiment had developed into a reality, and the patriots taking advantage of this fact, pushed the new movement with vigor and success. Colony after colony joined in the agreement, and when North Carolina, under the leadership of John Harvey, came in, the Whig papers declared with great satisfaction: "This completes the chain of union throughout the continent for the measure of non-importation and economy."

In 1771 Governor Tryon was appointed governor of New York and was succeeded in North Carolina by Josiah Martin. Martin was a man ill calculated to conduct an administration successfully even in ordinary times. Stubborn and tactless, obsequious to those in authority and overbearing to those under authority, he suddenly found himself in a position that required almost every quality of mind and character that he did not possess. No worse selection could have been made at that time; the people of North Carolina were in no mood to brook the petty tyranny of a provincial governor, and Martin's personality became one of the chief factors that drove men headlong into revolution, and prepared the colony, first of all the colonies, to take a definite stand for independence.

18. For a complete copy of these proceedings see Connor's "John Harvey," in *North Carolina Booklet*, Vol. VIII., No. 1, pp. 21-26.

At the very outset of his administration the dull, unelastic mind of Martin came into sharp contact with the vigorous intellect and determined spirit of John Harvey. One of the vexing problems with which the Assembly had long been dealing was the boundary line between North Carolina and South Carolina. The king had ordered the line to be run in such a way as to work to the disadvantage of North Carolina, but the Assembly had declined to vote any money for the purpose. Finally, in the summer of 1772, the king instructed Governor Martin to have the line run and to send the bill to the Assembly with the royal command that it be paid. But when Martin sent his demand for the money, it was met by a prompt and sharp refusal. In order to give it an opportunity to reconsider its action which, under its rules it seems could not be done at that session, Martin prorogued the Assembly for three days. When he was ready to meet the Assembly on the third day he found to his astonishment that the majority of the members had gone home. He convened those who had remained and commanded them to proceed to business. There had long been a dispute between the Assembly and the royal governors as to the number of members necessary to make a quorum. The Assembly insisted that a majority was necessary; the governors fixed upon a smaller number. The dispute now became a practical matter. The members refused to organize for business unless a majority should return. Martin sent for Harvey and asked if he expected a sufficient number to return to make a majority. Harvey replied that he had not the least expectation that any such event would occur; whereupon Martin in an outburst of rage declared that "the Assembly had deserted the

business and interests of their constituents and flagrantly insulted the dignity and authority of government," and forthwith dissolved them.¹⁹

In the meantime the quarrel with the king and Parliament continued with increasing bitterness, and it had become apparent to all that if the Americans expected to make a successful stand for their liberties they must stand and act in concert. In the spring of 1774, therefore, Virginia sent out her call for a continental congress. When Governor Martin learned that North Carolina intended to join in this Congress, he determined to prevent it by refusing to call the Assembly together until it was too late to elect delegates.²⁰ Tryon as we have seen had adopted this plan to prevent the election of delegates to the Stamp Act Congress, but Martin lacked a good deal of Tryon's tact and personality, and the men with whom he was contending were not the kind to be caught twice in the same trap. James Biggleston, the governor's private secretary, let the secret out by communicating the governor's intention to John Harvey. Harvey flew into a rage. "In that event," he exclaimed, "the people will convene an assembly themselves." He promptly consulted Samuel Johnston, Edward Buncombe, and other leaders. On April 5, 1774, Johnston wrote the following interesting letter to William Hooper:

"Colonel Harvey and myself lodged last night with Colonel Buncombe, and as we sat up very late the conversation turned on continental and provincial affairs. Colonel Harvey said during the night, that Mr.

19. Col. Rec., IX., 594-96.

20. Col. Rec., IX., 959.

Biggleston told him, that the governor did not intend to convene another Assembly until he saw some chance of a better one than the last; and that he told the secretary that then the people would convene one themselves. He was in a very violent mood, and declared he was for assembling a convention independent of the Governor, and urged upon us to co-operate with him. He says he will lead the way and will issue hand-bills under his own name. . . . As for my part, I do not know what better can be done. . . . Colonel Harvey said that he had mentioned the matter only to Willie Jones, of Halifax, whom he had met the day before, and that he thought well of it, and promised to exert himself in its favor. I beg your friendly counsel and advice on the subject, and hope you will speak of it to Mr. Harnett and Colonel Ashe, or any other such men."²¹

Harvey's bold and revolutionary proposition fell upon willing ears. The people rallied to his support, the convention was called, and in defiance of Governor Martin's proclamation forbidding it, met at New Bern, August 25, 1774.²² Seventy-one delegates were present. When they came to choose their presiding officer, all involuntarily turned to one man, the father of the convention. A series of resolutions was adopted denouncing the acts of Parliament, stating the position of the Americans, expressing approval of the call for a continental congress, and naming three delegates to represent North Carolina. John Harvey was then authorized to call another convention whenever he deemed it necessary. It was then unanimously

21. Col. Rec., IX., 968.

22. Col. Rec., IX., 1029, 1041.

resolved "that the thanks of this meeting be given to the Hon. John Harvey, Esquire, moderator, for his faithful exercise of that office and the services he has thereby rendered to this province and to the friends of America in general."

No more significant step was ever taken in North Carolina than the successful meeting of this convention. It revealed the people to themselves; they now began to understand that there was no special magic in the writs and proclamations of a royal governor; they themselves could elect delegates, organize conventions, and enact laws without the intervention of a king's authority. This was a long step toward independence and self-government; John Harvey took it, the people followed.

Because Boston would not pay for the tea destroyed by the Boston Tea Party, Parliament passed the Boston Port Bill closing that port and forbidding any vessel to import or export any cargoes into or out of its harbor. During the summer of 1774 the distressed condition of the people of Boston, because of this measure, touched the hearts of the American people. "The cause of Boston is the cause of all," became the watch word of the patriots throughout the continent.

The Congress of North Carolina took up the cry and the people, by their contributions, showed that their sympathy lay deeper than words. Wilmington, New Bern, Edenton and the surrounding counties dispatched ship-loads of supplies free of all freight charges to be used for the poor of the New England

city. On September 20, 1774, John Harvey addressed the following letter to the Boston Committee of Correspondence:

Perquimans Co., 20th Sept., 1774.²³

HONORABLE GENTLEMEN:

Joseph Hewes, Esquire, appointed a trustee with me to collect the donations of the inhabitants of two or three counties in the neighborhood of Edenton, for the relief of our distressed brethren of Boston, being absent attending the Continental Congress at Philadelphia, I have the pleasure to send you, as per enclosed bill of lading, of the sloop *Penelope*, Edward Herbert, master, which [I] wish safe to hand, and that you will cause the amount of the same to be divided among the poor inhabitants according to their necessities.

"The Captain has received the most of his freight here. The balance will be paid him on return, the cargo to be delivered clear of any expense; which you would have received some months sooner, but the difficulty of getting a vessel on freight prevented. [I] hope to be able to send another cargo this winter, for the same charitable purpose, as the American inhabitants of this colony entertain a just sense of the sufferings of our brethren in Boston, and have yet hopes that when the united determinations of the Continent reach the royal ear, they will have redress from the cruel, unjust, illegal and oppressive late acts of the British Parliament. I take the liberty to inclose you

23. Massachusetts Historical Society Collections, 4th Series, Vol. 4, p. 85-86.

the resolves of our provincial meeting of deputies, and have the honor to be, with the most perfect respect and esteem, in behalf of Mr. Hewes and self,

"Honorable Gentlemen, your most obedient and very humble servant,

JOHN HARVEY."

This cargo was received October 15th probably at Salem or Marblehead, which towns had offered their harbors and wharves free of charge to Boston. It consisted of 2,096 bushels of corn, 22 barrels of flour, and 17 barrels of pork, which, as the Boston committeemen said in their letter of thanks to Harvey, was a noble and generous donation from their worthy brethren and fellow countrymen of the two or three counties in the neighborhood of Edenton. "We thank you," continued the Boston Committee, "for the resolves of your provincial meeting of deputies, which you were so kind as to inclose. We esteem them as manly, spirited and noble, worthy of our patriotic brethren of North Carolina."²⁴

Foiled by Harvey's bold and determined action in his purpose to keep North Carolina aloof from the Continental Congress, Governor Martin made the best of a bad situation and summoned the Assembly to meet him at New Bern April 4, 1775. John Harvey immediately called a second congress to meet at the same place April 3rd.²⁵ It was a wise precaution, for the Assembly sat only at the pleasure of the governor who would of course dissolve it at the first manifestation of opposition to the Crown. It was Harvey's

24. Massachusetts Historical Society Collections, 4th Series, Vol. 4, p. 86-88.

25. Col. Rec., IX., 1125.

plan that the members of the Assembly should also be members of the Congress, and this plan was generally carried out. There were, however, a few members of each body who were not members of the other. Martin was furious and denounced Harvey's action in two resounding proclamations.²⁶ The Congress replied to it by electing Harvey moderator, the Assembly by electing him speaker.²⁷ The governor roundly scored both bodies, and both bodies roundly scored the governor. It was indeed a pretty situation. One set of men composed two bodies—one legal, sitting by authority of the royal governor and in obedience to his writ; the other illegal, sitting in defiance of his authority and in direct disobedience to his proclamation. The governor impotently demanded that the former join him in denouncing and dispersing the latter, composed of the very men whose aid he solicited. The two bodies met in the same hall, the Congress at nine o'clock, the Assembly at ten, and were presided over by the same man. When the governor's private secretary was announced at the door, says Colonel Saunders, in an instant, in the twinkling of an eye, Mr. Moderator Harvey would become Mr. Speaker Harvey, and gravely receive his Excellency's message.²⁸

Neither body accomplished much. The Congress adopted resolutions approving the measures of the Continental Congress and recommended them to the people of the province. A resolution declaring that the people had a right to assemble in person or through

26. Col. Rec., IX., 1145, 1177.

27. For proceedings of these two bodies see Col. Rec., IX., 1178-1185, 1187-1205.

28. Col. Rec., Prefatory Notes, IX., xxxiv.

their representatives to petition the Throne for redress of grievances was adopted and the governor's proclamation forbidding the meeting of the Congress was denounced as "illegal and an infringement of our just rights and, therefore, ought to be disregarded as wanton and arbitrary exertions of power." Hooper, Hewes, and Caswell were re-elected delegates to the Continental Congress, and a resolution thanking them for their services was adopted. Finally a resolution was adopted authorizing John Harvey, or in the event of his death Samuel Johnston, to call a session of Congress whenever he deemed it necessary. The Congress then adjourned.

The Assembly had time only to organize and exchange messages with the governor when it, too, came to a sudden end. Its first offense was the election of John Harvey speaker. The governor had authority to veto the Assembly's choice if he saw fit, but however bitter the pill was he did not dare reject it. In a letter to Lord Dartmouth the secretary of state for the colonies, Martin described his humiliation in the following language:

"On the 3d instant, the time appointed for the meeting of the Convention . . . hearing that many deputies from the counties were come here, I issued the proclamation, of which I now transmit your Lordship a copy numbered 1,²⁹ notwithstanding which I found this unlawful body met for a short time and elected Mr. Harvey moderator, by whose advertisement it had been convened. I still hoped the Assembly on what I had to say to it would secede from this Convention, although I well knew that many of the members had

29. Col. Rec., IX., 1177.

been sent as deputies to it. And this hope, together with my desire to lay no difficulties in the way of the public business, induced me on the next day to admit the election of Mr. Harvey, who was chosen speaker of the Assembly, and presented by the House for my approbation. Indeed, to say the truth, my Lord, it was a measure to which I submitted upon these principles not without repugnance even after I found the Council unanimously of the opinion that it would not be expedient to give a new handle of discontent to the Assembly by rejecting its choice if it should fall as was expected upon Mr. Harvey, for I considered his guilt of too conspicuous a nature to be passed over with neglect. The manner, however, of my admitting him, I believe sufficiently testified my disapprobation of his conduct while it marked my respect to the election of the House."³⁰

The next day the Assembly committed its second offense by inviting the delegates to the Congress, who were not also members of the Assembly, to join in the latter's deliberations. The governor promptly sent the sheriff of Craven county with his proclamation to forbid this unhallowed union. The only notice taken of it was by James Coor, one of the members from Craven. After the sheriff had read the proclamation, Coor retorted: "Well, you have read it and now you can take it back to the governor."³¹ "Not a man obeyed it," reported Martin to Lord Dartmouth. Thus far the governor had kept his temper very well. But on the fourth day of the session, the Assembly adopted resolutions approving of the measures of the Conti-

30. Col. Rec., IX., 1212.

31. Col. Rec., IX., 1213.

mental Congress, thanking the North Carolina delegates for their services, and endorsing their re-election. This was more than the governor had bargained for, and when he learned of it his wrath boiled over. He promptly issued his proclamation dissolving the Assembly, April 8, 1775. This was the last Assembly that ever met in North Carolina under the authority of Great Britain and by its dissolution, Josiah Martin put an end forever to British rule in that province. In a letter to Lord Dartmouth describing these events he said:

"I am bound in conscience and duty to add, my Lord, that government is here as absolutely prostrate as impotent, and that nothing but the shadow of it is left. . . . I must further say, too, my Lord, that it is my serious opinion which I communicate with the last degree of concern that unless effectual measures, such as British spirit may dictate, are speedily taken there will not long remain a trace of Britain's dominion over these colonies."³²

It was impossible for Josiah Martin to let slip an opportunity to vent his wrath at a rival. John Harvey had long been a justice of the peace in Perquimans County. Three days after the dissolution of the Assembly, Governor Martin laid before the Council the proceedings of the late Provincial Congress, which were signed by "John Harvey, moderator, wherein," says the journal of the Council, "are certain resolves highly derogatory to the honor and dignity of his Majesty's government, tending to destroy the peace and welfare of this province, in the highest degree oppressive of the people, and utterly subversive of the

32. Col. Rec., IX., 1215.

established constitution. He therefore submitted to the consideration of this Board the propriety of marking its indignation of such unlawful and dangerous proceedings by striking Mr. John Harvey out of his Majesty's commission of the peace for the county of Perquimans where he resides."³³ The councillors of his Majesty's governor gravely concurred in these sentiments, and John Harvey's judicial head fell at the block.

But little cared John Harvey. His time for earthly honors and earthly contests was rapidly drawing to its close. His pale cheeks and wasted frame warned both him and his colleagues that his end was not far off and, as we have seen, the Congress had prepared for the vacancy his death would make in their ranks by selecting as his successor his life-long friend and neighbor, Samuel Johnston. Within less than two months after the adjournment of his last Congress and the dissolution of his last Assembly the expected event occurred, hastened by the shock of a fall from a horse. These last days were passed under the clouds of a rapidly approaching revolution. That revolution no man in North Carolina had done so much to produce as John Harvey. No man had watched its outcome with greater confidence, or awaited it with greater hope. How well he had marked out the course it was to take, how carefully he had watched over its feeble beginnings, and how effectively he had organized the forces which were to propel and guide it, is shown by the fact that though his strong hand was snatched from the helm at the most critical moment, nevertheless the Revolution moved on apace without

33. Col. Rec., IX., 1215.

a jar, without swerving an instant from its destined end. It is one of the tragedies of human life that men often are not permitted to see and enjoy the fruits of their labors and sacrifices. So it was with this man of the people, this political leader with the vision of a prophet, this organizer of a Revolution destined to mark the beginning of an era in the history of mankind. *The South Carolina Gazette and Country Journal*, published at Charleston June 6, 1775, contained the following letter written at New Bern, May 19th:

"With inexpressible grief and concern we have received from Edenton the melancholy account of the death of Col. John Harvey, of Perquimans County, who a few days since died at his seat there after a very short illness, occasioned, it is said, by a fall from his horse. The respectable and uncommon character of this worthy member of society has, for many years past, placed him in the highest department of this province in the gift of the people, that of speaker of the House of Assembly; and the great assiduity and diligence with which he discharged that, and many other important trusts committed to his care, and his perseverance in seeking the real and substantial good of his country, renders his death a public loss, which will be truly lamented by a grateful people. It is hoped that some abler pen will do justice to his Manes; we can only say, that as in public life all his actions were directed to the good of his country, so in private his house was one continued scene of hospitality and benevolence, and his purse, his hand and heart, were ever devoted to the service and relief of the distressed. In him the advocates for American freedom have lost a real and true friend! In him this province may mourn a substantial and irretrievable loss."

On the last day of May, Robert Howe, Cornelius Harnett and John Ashe, three patriots who had never failed to follow when John Harvey led the way, wrote to Samuel Johnston: "We sincerely condole with all the friends of American liberty in this province on the death of our worthy friend, Colonel Harvey. We regret it as a public loss, especially at this critical juncture."³⁴

"He will be much missed," wrote Joseph Hewes from Philadelphia. "I wish to God he could have been spared."

Few the words, but sincere the tribute, from men who knew his virtues and appreciated his worth.³⁵

34. Col. Rec., IX., 1285.

35. For a fuller account of the career of John Harvey see Connor's "John Harvey" in *North Carolina Booklet*, Vol. VIII., No. 1 (July, 1908).

III

CORNELIUS HARNETT

Cornelius Harnett was one of that group of North Carolina statesmen whose leadership during the decade and a half following the passage of the Stamp Act swung North Carolina into line with the great continental movement of the American colonies, overthrew the royal authority in the province, and set in motion the wheels of government in the independent state.) From this group his conspicuous ability as an organizer and administrator led his associates to place him at the head of the Revolutionary government where his great executive powers contributed largely to the success of the Revolution in North Carolina.

Harnett first came into prominence in the affairs of the province as the leader of the Cape Fear section. Born the same year in which that region was opened to settlement, and taken thither by his father from Chowan county when a babe of three years, Cornelius Harnett grew to manhood as the settlement developed from a wilderness into a civilized community. He entered upon his public career just as the Cape Fear section was on the point of wresting the palm of leadership in colonial affairs from the Albemarle section, and during the two decades in which he was the leader of the Cape Fear that section reached the highest point of influence it has ever attained in the history of the state. He early became identified with the interests of Wilmington and was one of the leaders in the industrial development of that town and the surrounding country. Growing up with the Cape Fear section, he became thoroughly imbued with the

spirit of the new country, of which the dominant note, then, as now, was high standards of personal integrity and honor, and passionate devotion to that ideal of individual liberty which calls every man's house his castle. The customs of the people, their habits of thought, their feelings and sentiments, and their faults and virtues, all became his own. His intimate knowledge of their life and character, his sympathy with their ideals and ambitions, his wealth and his attractive social qualities, his genius and his culture, combined to make him the leader in the movements of which Wilmington was soon to become the center, and produced in him, as he has been called, "the representative man of the Cape Fear."

Harnett's public career extended over a period of thirty years. In April, 1750, he entered upon the duties of his first office. In April, 1781, he died. Between these two dates he was continuously in the service of his town, his county, his state, and his country. In 1754 he became a member of the General Assembly as the representative of the borough of Wilmington. Twelve other Assemblies were held in North Carolina under the authority of the British Crown in all of which Harnett sat for Wilmington. His legislative career covered a period of twenty-seven years and embraced service in the Colonial Assembly, in the Provincial Congress, and in the Continental Congress. There was nothing dramatic about his services. He had no power, as William Hooper had, to stir men's passions with an outburst of eloquence, nor had he, like Richard Caswell, the military genius to inflame their imaginations by a brilliant feat of arms. Yet a careful and scholarly student after a painstaking study of the records more than a century after Har-

nett's death unhesitatingly declared as his sober judgment: "To one who studies impartially the annals of this state during the last half of the eighteenth century, the conviction will become irresistible that the mightiest single force in North Carolina history during the whole of the Revolutionary period was Cornelius Harnett, of New Hanover county."¹

The second decade of Harnett's legislative career began with the coming of William Tryon and the passage of the Stamp Act. Tryon took the oath of office April 3, 1765. At that time the Stamp Act was the chief topic of discussion in the political circles of America. The opposition to it in North Carolina brought to the front a new set of leaders and for the first time put them in touch with continental affairs. Among these leaders Cornelius Harnett soon became conspicuous. Even before the passage of the Stamp Act, the Assembly, through a committee of which Harnett was a member, had united with the other colonies in protesting against the proposed stamp duty.² During the summer following its passage public demonstrations were made against it in various parts of the colony. At Wilmington large crowds gathered from the surrounding counties, listened to the harangues of popular orators on the rights of the colonies, drank toasts to "Liberty, Property and no Stamp Duty," hanged Lord Bute, the king's minister, in effigy, compelled the stamp agent to resign his office, required the printer to publish his newspaper without affixing the necessary stamps, and organized an association pledged to resist the Stamp Act to the

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1. Smith, C. Alphonso: "Our Debt to Cornelius Harnett," in *North Carolina University Magazine*, May, 1907, p. 379.
 2. Colonial Records, VI., 1296.

death.³ A few weeks later the royal sloop-of-war, *Diligence*, Captain Phipps, with a cargo of stamps for the colony, cast anchor off Brunswick. Quickly spread the news of her arrival. Up and down the Cape Fear, and far into the country, men snatched their rifles, and hurried to Brunswick where they declared their purpose to resist any attempt to land the stamps in North Carolina. A month later Governor Tryon wrote to the authorities in England, "the stamps remain on board the said ship;" and after still another month, he added, "where they still remain."

Day by day the people and the governor kept watch on each other, anxiously awaiting the result of the contest. With the opening of the new year, 1766, the struggle reached its climax. Three merchant vessels which arrived at Brunswick without stamps on their clearance papers, were instantly seized by the man-of-war, *Viper*, and their cargoes confiscated. The people now rose in open rebellion, and with arms in their hands boarded the royal Cruizer, and forced her commander to release the captured vessels. To prevent any further danger from this source, the leaders of the people now determined to require all royal officials, except the governor, to take an oath not to make any further attempt to execute the Stamp Act. One of these officials, a Mr. Pennington, the king's comptroller, sought refuge in the governor's house. The people surrounded the house and demanded that they be permitted to speak with Pennington. Tryon replied: "Mr. Pennington being employed by his Ex-

3. For the proceedings against the Stamp Act on the Cape Fear see Colonial Records, VII., 123 et seq.

cellency on dispatches for his Majesty's service, any gentleman that has business with him may see him at the governor's house." A few hours later Tryon observed "a body of men in arms from four to five hundred," moving about his house. Three hundred yards away they drew up in line and sent a detachment of sixty men down the long avenue to the front door of the governor's mansion. At the head of this detachment as its leader and spokesman marched Cornelius Harnett.

Now followed the most dramatic scene of the struggle over the Stamp Act, a brief but intense interview between William Tryon, representative of the king's authority, and Cornelius Harnett, representative of the people's will, for possession of one of the king's officers. Harnett opened the interview by demanding that Pennington be allowed to go with him. Tryon replied that Pennington had come to his house seeking refuge, that he was an official of the Crown, and as such should receive all the protection the governor's roof and dignity of character could afford him. Harnett insisted. "The people," said he, "are determined to take him out of the house if he is longer detained, an insult," he added quickly, "which they wish to avoid offering to your Excellency." "An insult," retorted Tryon, "that will not tend to any consequence, since they have already offered every insult in their power, by surrounding my house and making me in effect a prisoner before any grievance or oppression had been first represented to me." During this interview Pennington became restless and finally said that he would go with Harnett. To Tryon he declared that whatever oaths might be imposed upon him, he would consider as acts

of compulsion and not of free will. "I would rather resign my office," he added, "than do anything contrary to my duty to the king and to your Excellency." "If that is your determination," replied the disgusted governor, "you had better resign before you leave here." Harnett quickly interposed his objection to this sudden turn of affairs, but Pennington sided with the governor. Paper and ink were accordingly brought and the resignation was written and promptly accepted. "Now, sir," said Tryon, bitterly, "you may go;" and Harnett led the frightened official out of the house to his followers who were waiting for him outside. They then rejoined the main body of the "inhabitants in arms," and the whole withdrew to the town. There they drew up in a large circle, placed the royal officials in the center, and administered to them all an oath "that they would not, directly or indirectly, by themselves or by any other person employed under them, sign or execute in their several offices any stamped papers, until the Stamp Act should be accepted by the province." The clerk of the court and all the lawyers were sworn to the same effect; and as each took the pledge the cheers of the crowd bore the news to the enraged and baffled governor as he sat alone in his room keenly conscious of his defeat.⁴

Throughout this contest the conduct of no man stands out so conspicuously as that of Cornelius Harnett. From the announcement of the British ministry's intention to levy a stamp duty in America, he was

4. For more detailed accounts of these proceedings see Connor; Cornelius Harnett: *An Essay in North Carolina History*, 30-47; Waddell: *A Colonial Officer and His Times*, 73-129; Ashe: *History of North Carolina*, I., 310-325; Sprunt: *Cape Fear Chronicles*, 67-78.

among the foremost in opposition; and it is stating nothing more than the records will bear out to say that when the struggle closed, no man could justly claim more credit for the failure of the Stamp Act in North Carolina than he. At the beginning of the struggle there were several strong, forceful men in Wilmington and Brunswick capable of leading the opposition, but none of them stood so conspicuously above the others that he can be designated as the leader; but as the contest progressed the opposition centers more and more around Cornelius Harnett, until at its climax he and Tryon stand face to face, the acknowledged leaders of their respective causes. "Before this incident," as Dr. C. Alphonso Smith has so well said, "Harnett had been best known as a skillful financier. . . . But after his defiance of Tryon in 1766—an act performed ten years before the Declaration of Independence and seven years before the Boston Tea Party—Harnett became in an especial sense the leader of his people and the target of British malevolence and denunciation. Every State boasts its heroes of the Stamp Act, but in all the examples of resistance to this oppressive act, I find no deed that equals Harnett's in its blend of courage, dignity and orderliness. He and Tryon had looked each other in the eyes, and the eyes of the Englishman had quailed."

In the struggle over the Stamp Act was born a union sentiment that contained the germs of nationality, and the development of this sentiment in the contests with the mother country from 1765 to 1775 gives to the events of that decade their chief significance. Cornelius Harnett enlisted heartily in this movement, and contributed largely to its success in North Carolina. So far, then, as North Carolina's adherence to the con-

tinental or national cause was a factor in its success, so far must we think of Harnett's work as of national significance, and of himself as entitled to rank as among American statesmen.

The first step taken toward union was the adoption of the Non-Importation Association by the several colonies. But it was a much simpler matter to adopt such an association than to enforce it, for the Tories, of course, opposed the whole scheme, and would gladly have welcomed an opportunity to defeat it. In North Carolina the merchants of the Cape Fear section were the largest importers of British goods in the colony and everybody recognized that their action would determine the matter. No non-importation association could be enforced without their co-operation. Fortunately, Cornelius Harnett, one of the chief merchants of the province, was also chairman of the Sons of Liberty; and under his leadership this powerful organization, representing the towns of Wilmington and Brunswick and the six counties on the Cape Fear, determined that the association should be enforced. They declared that they would have no dealings with any merchant who imported goods "contrary to the spirit and intention" of the Non-Importation Association; and constituted themselves a special committee to inspect all goods imported into the Cape Fear and to keep the public informed of any that were brought in contrary to the association. They then ordered their resolves to be "immediately transmitted to all the trading towns in this colony;" and in the spirit of co-operation, Cornelius Harnett wrote to the Sons of Liberty of South Carolina to inform them of their action. In this letter he said:

"We beg leave to assure you that the inhabitants of those six counties and we doubt not of every county in this province, . . . are tenacious of their just rights as any of their brethren on the continent and firmly resolved to stand or fall with them in support of the common cause of American liberty. Worthless men . . . are the production of every country, and we are also unhappy as to have a few among us 'who have not virtue enough to resist the allurements of present gain.' Yet we can venture to assert, that the people in general of this colony, will be spirited and steady in support of their rights as English subjects, and will not tamely submit to the yoke of oppression. 'But if by the iron hand of power,' they are at last crushed; it is however their fixed resolution, either to fall with the same dignity and spirit you so justly mention, or to transmit to their posterity entire, the inestimable blessings of our free Constitution. The disinterested and public spirited behavior of the merchants and other inhabitants of your colony justly merits the applause of every lover of liberty on the continent. The people of any colony who have not virtue enough to follow so glorious examples must be lost to every sense of freedom and consequently deserve to be slaves."⁵

In the meantime, while Cornelius Harnett and his colleagues were bending all their energies toward the union of the colonies against the authority of Parliament, the revolt of the Regulators in the interior of the province came near to counteracting all the good results of their work. Harnett sympathized with the

5. South Carolina Gazette and Country Journal, July 5, 1770; July 26, 1770; August 9, 1770.

grievances of the Regulators and in the Assembly advocated measures to relieve them of their burdens;⁶ but he disapproved of their violent and destructive methods, and when Governor Tryon marched against them, Harnett accompanied him on his Alamance campaign and contributed largely from his private fortune to the support of his army.

It is not difficult to understand Harnett's feelings. He was keenly aware of the injury the conduct of the Regulators would do to the American cause in England. Though the opposition to the Stamp Act and the Townhend Acts had been firm and decided, it had been carried on peaceably and orderly; yet the Americans had been freely denounced in England as lawless and violent men, delighting in riot and rebellion. They had found it by no means the easiest part of their work to counteract this view even among those who wished them well. The proceedings of the Regulators, when reported to the home government, could not fail to give to their enemies a decided advantage, for the people of the mother country would draw no distinction between the Sons of Liberty on the Cape Fear and the Regulators on the Eno. All would be classed as rebellious subjects who deserved punishment. Besides this, the course of the Regulators, if successful, would divide the people into warring factions at the very time when union was the great essential. Cornelius Harnett understood this. He was too clear sighted and practical a statesman not to see that the movements of the Regulators were antagonistic to the continental movement toward the union of the American colonies against the encroachments of Par-

6. Col. Rec., VIII., 388-89.

liament. He accordingly threw himself into the campaign against the Regulators with so much earnestness that the Assembly passed special resolutions expressive of its appreciation "of the great service rendered his country by his zeal and activity therein," and voted to reimburse him for "the extraordinary expenses he was at in that service."⁷

The condition of the colony and the quarrels between the Assembly and Governor Josiah Martin, who succeeded Tryon in 1771, made it imperative that the leaders of the popular party should not rest in idleness, and many an anxious conference was held for the purpose of devising a more effective plan of united action. One of the most important, as it was one of the most interesting of these conferences, was held between Josiah Quincy, Jr., of Massachusetts, and Cornelius Harnett, of North Carolina, at the home of the latter on the Cape Fear. Quincy arrived at Brunswick March 26, and spent the next five days enjoying the hospitality of the Cape Fear patriots. In his diary he left us a record of his conferences with these men. This one he found "seemingly warm" against the measures of Parliament; another was "apparently in the Whig interest." The night of March 30th he spent at the home of Cornelius Harnett. Here all doubt of his host's political sentiments vanished. "Spent the night," he records, "at Mr. Harnett's, the Samuel Adams of North Carolina (except in point of fortune). Robert Howe, Esq., Harnett and myself made the social triumvirate of the evening. The plan of continental correspondence highly relished, much wished for, and resolved upon as proper to be pur-

7. Col. Rec., IX., 195-205.

sued." Quincy was so delighted at finding Harnett's views coinciding so entirely with his own, that he sprang up from his chair and gave his host a cordial embrace. Both esteemed the opportunity for further conference of such importance that Quincy remained with Harnett through the next day and night, and then and there they agreed upon the plan for a system of committees of correspondence.⁸ This system, as we have seen, was adopted by the North Carolina Assembly at its next session in December. The North Carolina Committee of Correspondence was composed of John Harvey, Robert Howe, Cornelius Harnett, William Hooper, Richard Caswell, Edward Vail, John Ashe, Joseph Hewes and Samuel Johnston.⁹

The work of the committee bore good fruit, for the members brought to their work a truly national spirit in dealing with continental affairs. To use a modern political term, they adopted a platform in which they declared that the inhabitants of all the colonies "ought to consider themselves interested in the cause of the town of Boston as the cause of America in general;" that they would "concur with and co-operate in such measures as may be concerted and agreed on by their sister colonies" for resisting the measures of the British ministry; and that in order to promote "conformity and unanimity in the councils of America" a continental congress was "absolutely necessary."¹⁰ The significance of this system of committees of correspondence was soon apparent. Indeed, as John Fiske declares, it "was nothing less than the beginning of the American Union. . . . It only remained for the

8. Massachusetts Historical Society Proceedings, June, 1916.

9. Col. Rec., IX., 740-41.

10. State Records, XI., 245-48.

various inter-colonial committees to assemble together, and there would be a Congress speaking in the name of the Continent."¹¹

We have already seen how the call for a continental congress was made and how, under the leadership of John Harvey, it led to the assembling of the first Provincial Congress of North Carolina, in August, 1774. The most important action of this Congress was the adoption of a resolution providing for the organization of a system of committees of safety to execute the ordinances of the Provincial and Continental Congresses. The plan contemplated one committee in each of the towns, one in each of the counties, one in each of the six military districts into which the colony was divided and one for the province at large.

The most active and efficient of these committees were those of Wilmington and New Hanover county.¹² Of these committees Cornelius Harnett was the master-spirit. When the Wilmington committee was organized, November 23, 1774, though he was then absent from the colony, he was unanimously elected chairman. When the New Hanover committee was organized, January 5, 1775, "to join and co-operate with the committee of the town," he was promptly placed at the head of the joint committee. The people were fully alive to the importance of the step they took

11. *The American Revolution*, I., 81.

12. The proceedings of the Wilmington-New Hanover committees may be found in the *Colonial Records*, Vol. IX., pp. 1088, 1095, 1098, 1101, 1107, 1108, 1118, 1120, 1122, 1126, 1127, 1135, 1143, 1149, 1166, 1168, 1170, 1185, 1222, 1265, 1285; Vol. X., pp. 12, 15, 24, 50, 64, 65, 68, 72, 87, 89, 91, 93, 112, 116, 121, 124, 141, 151, 157, 158, 220, 262, 263, 279, 282, 298, 304, 328, 331, 334, 335, 336, 345, 348, 363, 388, 389, 393, 405, 410, 411, 418, 421, 425, 431, 435, 477.

in organizing these committees. The men whom they selected represented the wealth, the intelligence and the culture of the community. They were men of approved character and ability. Some of them afterwards achieved eminence in the history of North Carolina. Seldom have men entrusted with such extensive authority fulfilled their trust with greater fidelity. They discharged every duty with firmness and patience, with prudence and wisdom, and in the interest of the public welfare. From the first, we are told, Cornelius Harnett was "the very soul of the enterprise," "the life-breathing spirit of liberty among the people," possessing their confidence "to an extent that seems incredible." Archibald Maclaine Hooper says: "The first motions of disaffection on the Cape Fear were prompted by him. When the conjunction favorable for his projects arrived, he kept concealed behind the curtain, while the puppets of the drama were stirred by his wires into acts of turbulence and disloyalty. Afterwards when a meeting was convened at Wilmington, he was bold in the avowal of his sentiments and in the expression of his opinions." As chairman of the joint committee, by his activity in "warning and watching the disaffected, encouraging the timid, collecting the means of defense, and communicating its enthusiasm to all orders," he made this local committee the most effective agency in the province, except the Congress itself, in getting the Revolution under way in North Carolina. Governor Martin recognized in him the chief source of opposition to the royal government; and the Provincial Congress demanded his services for the province at large. When the Provincial Council was created Harnett was unanimously elected president, a position that made

him in all but name the first chief executive of the newborn state. The work of this Council, too, was largely his work, and its success is proof of the ability which he brought to his task.¹³

The effect of the activity of these committees was immediately felt. Under their stimulus the Revolution moved on apace, and by April of 1775, when Governor Martin dissolved the last Assembly under British rule, was in full swing. April of 1775 was a stirring month in North Carolina. It witnessed the convocation and adjournment of the most revolutionary body ever held in the state. It saw the convening and dissolution of the last Assembly ever held under the authority of the British Crown. It saw the governor of the province openly defied in his palace at the capital, closely watched by armed men, and virtually besieged in his own house. It saw the guns he had set up for his own protection seized and carried off by men he had been sent to rule. It closed upon the flight of the terrified governor from the capital to the protection of the guns at Fort Johnston at the mouth of the Cape Fear river.

The atmosphere was charged with the revolutionary spirit. Men breathed it in with the very air they sucked into their lungs and then showed it forth to the world by their actions. Events crowded one upon another in rapid succession. The committees of safety were everywhere active in the discharge of their various duties, legislating, judging, executing, combining in themselves all the functions of government. The news of the battle of Lexington spread like wild-fire through the province, arousing the forward,

13. The proceedings of the Provincial Council are printed in the Colonial Records, X., 283-294, 349-362, 469-477.

stirring the backward, and putting an end everywhere to all hope of a peaceful conclusion of the difficulties. The news was sped on its way by the committees and in no other instance did they give better evidence of their usefulness.¹⁴ Governor Martin complained that the rebel leaders knew about the battle at least two months before he did, and that he did not learn of it in time to counteract the influence which the "infamous and false reports of that transaction" had on the people.¹⁵ The news reached Cornelius Harnett on the Cape Fear in the afternoon of May 8, and he at once hurried it on to the Brunswick committee with the admonition, "For God's sake send the man on without the least delay and write to Mr. Marion to forward it by night and day." The proceedings of the second Continental Congress, which met amid all this excitement, were followed with the closest attention. John Harvey, after a life devoted to the interest and liberty of his country, died at his home in Perquimans county, leaving a gap in the ranks of the patriots impossible to be filled. Scarcely had this sad news reached the Cape Fear before Cornelius Harnett was joined by Robert Howe and John Ashe in a letter to Samuel Johnston urging him to call a provincial convention without delay.¹⁶ The suggestion met with favor, was endorsed by the committees of several counties, and approved by Johnston. He issued his call July 10th. Six days later Governor Martin wrote to Lord Dartmouth: "Hearing of a proclamation of the king, proscribing John Hancock and Samuel Adams, of Massachusetts

14. Col. Rec., IX., 1229-1239.

15. Col. Rec., X., 44.

16. State Records, XI., 255.

Bay, and seeing clearly that further proscriptions will be necessary before government can be settled again upon sure foundations in America, I hold it my indispensable duty to mention to your lordship Cornelius Harnett, John Ashe, Robert Howes,¹⁷ and Abner Nash, as persons who have marked themselves out as proper persons for such distinction in this colony by their unremitting labours to promote sedition and rebellion here from the beginnings of the discontents in America to this time, that they stand foremost among the patrons of revolt and anarchy."¹⁸ Within less than a week after this letter was written 500 men, wearied of Governor Martin's abusive proclamations, placed themselves under the leadership of John Ashe and Cornelius Harnett, marched to Fort Johnston, and burned the hated structure to the ground.¹⁹ "Mr. John Ashe and Mr. Cornelius Harnett," wrote the frightened governor, "were ring-leaders of this savage and audacious mob."²⁰ Thirty days later, at the time and place appointed, the third Provincial Congress met in open session in defiance of the rewards offered by the impotent ruler for the arrest of the leaders.

The Congress met at Hillsborough, August 20th.²¹ One hundred and eighty-four delegates were present. Cornelius Harnett was there from Wilmington, associated, however, with Archibald Maclaine. Harnett's share in the work of the convention was of the greatest importance, but lack of space forbids an account of it

17. For this spelling see Col. Rec., X., 98.

18. Col. Rec., X., 98.

19. Col. Rec., X., 114.

20. Col. Rec., X., 108-109.

21. Its proceedings are printed in Col. Rec., X., 164-220.

here. The one thing that can be noticed was the reorganization of the committee system. At the head of the new system and acting as executive head of the new government, was placed a provincial committee, called the Provincial Council. Its membership was composed of thirteen persons, one from the province at large and two from each of the six military districts into which the province had been divided. Serving under this Council were to be committees in the several districts.²²

Extensive powers were given to the Provincial Council. It was, as I have said, the executive head of the government, subject to no authority except that of the Provincial Congress. The success of this new scheme depended entirely upon the character and ability of the men who were to put it into operation. They were chosen as follows: Samuel Johnston, for the province at large; Cornelius Harnett and Samuel Ashe, for the Wilmington district; Abner Nash and James Coor, for the New Bern district; Thomas Person and John Kinchen, for the Hillsborough district; Willie Jones and Thomas Eaton for the Halifax district; Samuel Spencer and Waightstill Avery for the Salisbury district.

The first meeting was held October 18th, at Johnston Court House. Of this meeting Bancroft writes: "Among its members were Samuel Johnston, Samuel Ashe, a man whose integrity even his enemies never questioned, whose name a mountain county and the fairest town in the western part of the commonwealth keep in memory; Abner Nash, an eminent lawyer, de-

22. For a more detailed account see Connor: "Cornelius Harnett," 106-110.

scribed by Martin as 'the oracle of the committee of Newbern and a principal supporter of sedition;' but on none of these three did the choice of president fall; that office of peril and power was bestowed unanimously on Cornelius Harnett, of New Hanover whose disinterested zeal had made him honored as the Samuel Adams of North Carolina."²³ By virtue of this office Harnett became the chief executive of the new government. The establishment of this central committee with adequate powers and authority immediately bore good fruit. Governor Martin wrote that the authority, the edicts and the ordinances of the congresses and conventions and committees had become supreme and omnipotent and that "lawful government" was completely annihilated.²⁴ There can be no better comment upon the effectiveness of the administration of Harnett and his colleagues. Everywhere the spirits and activity of the patriots took on new life, and everywhere, according to Martin himself, the spirits of the Loyalists drooped and declined daily. So effective was the work and so necessary did the Council prove itself to the welfare of the province, the next convention passed a resolution requiring it to sit continuously instead of only once every three months. The Council, now called the Council of Safety, continued at the head of the government until the adoption of the state constitution; and Cornelius Harnett remained at the head of the Council until elected a delegate to the Continental Congress.

It was under the direction of this Council that the North Carolina troops marched to Moore's Creek

23. History of the United States, Ed. 1860, IV. 98.

24. Col. Rec., X., 49, 232, 244.

Bridge and on the 27th of February, won the initial victory of the Revolution. General Moore's report of his victory was made to President Harnett.²⁵ This battle entirely changed the aspect of affairs in North Carolina. Heretofore the people had not considered seriously the question of independence; but now no other proposition met with such nearly universal acceptance. Day by day the conviction steadily grew upon them that there was no hope of coming to terms with the royal government, except upon humiliating conditions, and rather than submit to these the people preferred to risk all in a cast for independence.²⁶ The Congress, which met at Halifax April 4, 1776, was expected to take some definite steps to give official expression to the prevailing desire.²⁷ The day after the assembling of the Congress Samuel Johnston wrote to James Iredell: "All our people here are up for independence." Accordingly on April 8, a committee was appointed, composed of Cornelius Harnett, Allen Jones, Thomas Burke, Abner Nash, John Kinchen, Thomas Person and Thomas Jones, "to take into consideration the usurpations and violences attempted by the king and Parliament of Great Britain against America, and the further measures to be taken for frustrating the same, and for the better defence of this province." To Cornelius Harnett fell the task of drafting the committee's report. In a report remarkable for its calm dignity and restraint, but alive with

25. Col. Rec., X., 482, 485; State Rec., XI., 383.

26. For a discussion of the development of the sentiment for independence see Connor: "Cornelius Harnett," pp. 120-151.

27. The Journal of this Congress is printed in Col. Rec., X., 499-590.

suppressed emotion, he drew an indictment against the British ministry not equalled by any similar document of the Revolutionary period and surpassed only by the great Declaration itself. "In ringing sentences, not unworthy of Burke or Pitt," says Dr. Smith, "the report set forth in a short preamble the usurpations of the British ministry and 'the moderation hitherto manifested by the United Colonies.' Then came the declaration which to those who made it meant long years of desolating war, smoking homesteads, widowed mothers, and fatherless children, but to us and our descendants a heritage of imperishable glory." This report, read by Harnett and unanimously adopted by the Congress, April 12, 1776, was as follows:

"It appears to your committee, that pursuant to the plan concerted by the British ministry for subjugating America, the king and Parliament of Great Britain have usurped a power over the persons and properties of the people, unlimited and uncontrolled and disregarding their humble petitions for peace, liberty and safety, have made divers legislative acts, denouncing war, famine and every species of calamity, against the continent in general. That British fleets and armies have been, and still are, daily employed in destroying the people, and committing the most horrid devastations on the country. That governors in different colonies have declared protection to slaves, who should imbrue their hands in the blood of their masters. That ships belonging to America are declared prizes of war, and many of them have been violently seized and confiscated. In consequence of all which multitudes of the people have been destroyed or from easy circumstances reduced to the most lamentable distress.

"And whereas, the moderation hitherto manifested by the United Colonies and their sincere desire to be reconciled to the mother country on constitutional principles, have procured no mitigation of the aforesaid wrongs and usurpations and no hopes remain of obtaining redress by those means alone which have hitherto been tried, your committee are of opinion that the house should enter into the following resolve, to wit:

"Resolved, That the delegates for this colony in the Continental Congress be empowered to concur with the delegates of the other colonies in declaring independency, and forming foreign alliances, reserving to this colony the sole and exclusive right of forming a constitution and laws for this colony, and of appointing delegates from time to time (under the direction of the general representation thereof), to meet the delegates of the other colonies for such purposes as shall be hereafter pointed out."

The Congress unanimously adopted the report. Comment is unnecessary. The actors, the place, the occasion, the time, the action itself, tell their own story far beyond the power of pen to add to it or detract from it. Discussing the growth of the sentiment for independence in America, Bancroft says:

"The American Congress needed an impulse from the resolute spirit of some colonial convention, and the example of a government springing wholly from the people." Following an account of how South Carolina let slip the honor of giving this impulse, Bancroft continues: "The word which South Carolina hesitated to pronounce was given by North Carolina. That colony, proud of its victory over domestic enemies, and roused to defiance by the presence of Clinton, the

British general, in one of their rivers, . . . unanimously" voted for independence. "North Carolina was the first colony to vote explicit sanction to independence."²⁸

Immediately after the adoption of this report the Congress took up the consideration of a constitution for the state. Harnett was a member of the committee to prepare the document. But this was a matter too important for slight consideration, and the committee recommended that it be postponed until the next session of the Congress. At the same time the powers and authority of the Council of Safety were extended and the Council was ordered to sit continuously instead of quarterly.

A few days before the adjournment of the Congress the enemy again paid their compliments to Harnett's zeal and influence. This time they came from Sir Henry Clinton. Sir Henry had reached the Cape Fear too late to co-operate with the Highlanders in their disastrous attempts to subdue the colony, so there was nothing left for him to do but issue a proclamation and sail away. Accordingly, just before sailing, he proclaimed from the deck of his majesty's man-of-war, *Pallisser*, that a horrid rebellion existed in North Carolina, but that in the name of his sacred majesty, he now offered a free pardon to all who would acknowledge the error of their way, lay down their arms, and return to their duty to the king, "excepting only from the benefits of such pardon Cornelius Harnett and Robert Howes."²⁹

28. History of the United States (Ed. 1860), VIII., 345-352.

29. Col. Rec., X., 591-92.

To this proclamation the Council of Safety replied by unanimously re-electing Cornelius Harnett president.³⁰ This occurred at its Wilmington session in June. In July it adjourned to meet at Halifax. On the 22nd of the month the Council received news of the action of the Continental Congress on July 4.

Five days later it resolved that August 1, be the day for publicly and officially proclaiming the Declaration of Independence at Halifax. Thursday, August 1, 1776, becomes, therefore, a marked day in the annals of the state. The sun rose clear on this first day of the new month, symbolic of the new state just rising out of a night of oppression and wrong. With the rising of the sun came the vanguard of the large crowd that was to assemble that day from the surrounding country to hear the official announcement of North Carolina's newborn independence. By noon the village was alive with the eager throng. The ceremony was simple but none the less impressive. The provincial troops and militia companies, proudly bedecked in such uniforms as they could boast, were present in full battle array. With drums beating and flags unfurled to catch the first breath of freedom, this martial escort conducted the president of the Council to the front of the court-house. As the August sun reached its mid-course in the heavens, Cornelius Harnett, bare-headed, bearing in his hand the document which bore the words so full of meaning for all future generations, cheered by the enthusiastic throng, solemnly ascended the platform and faced the people. Even as he unrolled the scroll the enthusiasm of the

30. The proceedings of the Council of Safety are printed in Col. Rec., X., 618-647; 682-707; 826-830; 873-881.

crowd gave vent in one prolonged cheer, and then a solemn hush fell upon the audience. Every ear was strained to catch the words that fell from the lips of the popular speaker. As he closed with those solemn words pledging the lives, the fortunes and the sacred honor of the people to the declaration, the tumultuous shouts of joy, the waving of flags, and the booming of cannon, proclaimed that North Carolina was prepared to uphold her part. As Harnett came down the platform the soldiers dashed at him, seized him, and bore him aloft on their shoulders through the crowded streets, cheering him as their champion and swearing allegiance to the new nation.³¹

Soon after this the fifth and last provincial convention assembled at Halifax.³² Harnett sat for Brunswick county. This convention adopted the first constitution of the state of North Carolina. Harnett was a member of the committee which drafted it and exercised a large influence in its preparation. His influence and efforts caused the insertion of that imperishable clause which forbids the establishment of a state church in North Carolina, and secures forever to every person in the state the right to worship God "according to the dictates of his own conscience." If Thomas Jefferson rightly considered the authorship of a similar clause in the Virginia constitution, one of the three really great events of his life, surely the authorship of this clause in the North Carolina constitution was none the less one of the great events of Cornelius Harnett's useful career. But he did not blazon it to the world by having it recorded on his tomb!

31. Jones: Defence of North Carolina, 268-69.

32. The proceedings are printed in Col. Rec., X., 913-1003.

This convention elected the first officers of the new state. Richard Caswell was elected governor. Harnett was elected president of the Council of State.³³ By the election of Caswell as governor the presidency of the convention became vacant, and Harnett was chosen to fill the vacancy. The journal of the last one of those remarkable conventions that separated North Carolina from the British Empire is signed by "Cornelius Harnett, President."

Harnett was re-elected to the Council by the first Legislature which met under the constitution. He did not serve long, however, as he was soon afterwards selected a delegate to the Continental Congress and resigned his seat in the Council. He took this action reluctantly. It meant loss of comfort and ease, sacrifice of both money and health, but he did not feel justified in declining, for purely personal reasons, the service the state desired of him. He, therefore, entered upon his duties in June, 1777, and served three years in Congress. A detailed account of his services there is impossible in this sketch.³⁴ They were faithful and able. The field was narrow, however; the situation disagreeable; his health poor; and the expense of living great. He wrote to his friend Thomas Burke, that living in Philadelphia cost him £6,000 more than his salary, but he adds: "Do not mention this complaint to any person. I am content to sit down with this loss and much more if my country requires it." He missed the comforts of home,

33. State Rec., XI., 363; XXII., 906-909.

34. For an account in detail see Connor: "Cornelius Harnett," 179-192.

wearied of the quarrels and bickerings of Congress, suffered with the gout, until he was thoroughly worn out.

In February, 1780, Harnett made his last journey from Philadelphia to Wilmington, "the most fatiguing and most disagreeable journey any old fellow ever took." He had not long to rest under the shade of his vine and fig tree as he had hoped to do. Only one year of life remained to him, a year of gloom, hardship and suffering. The summer of 1780 was the gloomiest time of the war for the Americans. Charleston fell, Colonel Bufort's Virginia regiment was annihilated at Waxhaws; Gates exchanged his northern laurels for southern willows at Camden; Ninety-Six was captured, and Cornwallis marched into North Carolina. Here came relief. On the top of King's Mountain came the first break in the clouds; soon after this Tarleton's renowned corps was cut to pieces at Cowpens.

Scarcely had this good news revived the drooping spirits of the patriots when a great disaster befell the Cape Fear section. On January 29, 1781, Major James H. Craige, one of the most energetic officers of the British army, sailed into the Cape Fear river with a fleet of eighteen vessels and four hundred and fifty men. Wilmington was occupied without opposition. Major Craige had come with express orders to capture Cornelius Harnett, and one of his first expeditions from Wilmington was sent out for this purpose. Harnett was warned in time and attempted to escape; but he had gone only about thirty miles when he was seized by a paroxysm of the gout and was compelled to take to his bed at the home of his friend, Colonel Spicer, in Onslow county. The enemy overtook him

here, and regardless of his age and condition, flung him across a horse like a sack of flour, and carried him to Wilmington.³⁵ Here he was confined for three days in a block-house. His condition had now become so precarious that Craige was induced to release him on parole.

He had not long to enjoy his freedom, and none realized it better than he. On April 28, he wrote with his own hands his will, bequeathing "to my beloved wife, Mary, all my estate, real, personal, and mixed, of what nature or kind whatsoever, to her, her heirs and assigns, forever." He then breathed his last.

Harnett lived just outside of Wilmington. His house, surrounded by a grove of magnificent live-oaks, stood on an eminence on the east bank of the Cape Fear, commanding a fine view of the river. Here Harnett lived at ease, for he was a man of wealth, entertaining upon such a scale as to win a reputation for his hospitality, even in the hospitable Cape Fear country.

"His stature," says Hooper,³⁶ "was about five feet nine inches. In his person he was rather slender than stout. His hair was of a light brown, and his eyes hazel. The contour of his face was not striking; nor were his features, which were small, remarkable for symmetry; but his countenance was pleasing, and his

35. Catherine DeRosset Meares: *Annals of the DeRosset Family*, 50.

36. Archibald Maclaine Hooper, grandson of Archibald Maclaine, and son of George Hooper (brother of William Hooper), intimate friends of Harnett's. Hooper's observations may undoubtedly be regarded as presenting the views of those men and Harnett's other contemporaries whom Hooper knew.

figure, though not commanding, was neither inelegant nor ungraceful.

"In his private transactions he was guided by a spirit of probity, honor and liberality; and in his political career he was animated by an ardent and enlightened and disinterested zeal for liberty, in whose cause he exposed his life and endangered his fortune. He had no tinge of the visionary or of the fanatic in the complexion of his politics. 'He read the volume of human nature and understood it.' He studied closely that complicated machine, man, and he managed it to the good of his country. That he sometimes adopted artifice, when it seemed necessary for the attainment of his purpose, may be admitted with little imputation on his morals and without disparagement to his understanding. His general course of action in public life was marked by boldness and decision.

"He practiced all the duties of a kind and charitable and elegant hospitality; and yet with all this liberality he was an exact and minute economist.

"Easy in manner, affable, courteous, with a fine taste for letters and a genius for music, he was always an interesting, sometimes a fascinating companion.

"He had read extensively, for one engaged so much in the bustle of the world, and he had read with a critical eye and inquisitive mind. . . . In conversation he was never voluble. The tongue, an unruly member in most men, was in him nicely regulated by a sound and discriminating judgment. He paid, nevertheless, his full quota into the common stock, for what was wanting in continuity or fullness of expression, was supplied by a glance of his eye, the movement of his hand and the impressiveness of his pause. Occasion-

ally, too, he imparted animation to his discourse by a characteristic smile of such peculiar sweetness and benignity, as enlivened every mind and cheered every bosom, within the sphere of its radiance.

"Although affable in address, he was reserved in opinion. He could be wary and circumspect, or decided and daring as exigency dictated or emergency required. At one moment abandoned to the gratifications of sense, in the next he could recover his self-possession and resume his dignity. Addicted to pleasure, he was always ready to devote himself to business, and always prompt in execution. An inflexible republican, he was beloved and honored by the adherents of monarchy amid the fury of a civil war. . . . Such was Cornelius Harnett. Once the favorite of the Cape Fear and the idol of the town of Wilmington, his applauses filled the ears as his character filled the eyes of the public."

IV

RICHARD CASWELL¹

In North Carolina the decade from 1744 to 1754 was a period of extraordinary growth and expansion. A tide of immigration set in which brought into the colony thousands of sturdy settlers who pushed the frontiers of the province westward from the Cape Fear to the foothills of the Blue Ridge. It was during this period that the Highlanders secured their foothold on the waters of the upper Cape Fear, and the Scotch-Irish and Germans settled by the thousands among the hills and valleys of the Piedmont section. This in-pouring of settlers eager for fertile land made North Carolina at that time an attractive field for surveyors, and many of them came offering their services to the Crown and to Lord Granville in whose vast possessions thousands of these immigrants settled.

Among those who came in 1746 seeking such employment was Richard Caswell, a native of Maryland, who brought a letter of introduction from the governor of that province to the governor of North Carolina. Though then but seventeen years old, Caswell had already become skilled in his profession, and his letters from the governor of Maryland induced Governor Johnston to offer him employment. His energy and skill commended him to the governor who, three years later, appointed him deputy-surveyor for the province. At that time this was one of the most

1. A more elaborate sketch of Caswell by E. C. Brooks appears in Ashe (Ed.): *Biographical History of North Carolina*, Vol. 3, pp. 65-80.

important offices in the province for at every sitting of the Council thousands of acres were disposed of, and upon the skill, the activity, and the integrity of the surveyor depended not only the interests of the Crown but the security of thousands of pioneers who had braved all the hardships and dangers of the wilderness in their search for homes. The surveyor's life was full of hardships, dangers, and adventure. A cool head, steady nerves, keen eyes, and trained muscles were prime essentials for a successful surveyor on the frontier. He had to know how to repel the attacks of wild beasts, to circumvent the cunning of the savage; and he must be skilled in woodcraft. His work, too, brought him in close touch with the people, and he became familiar with their habits of thought. There could have been found no better school for the training of the man who was to become the civil and military leader of a pioneer people in a great revolution. It is interesting to note that at the same time that Richard Caswell was attending this school of experience in the wilderness of North Carolina, another young surveyor, a few years his junior, was surveying the vast estates of Lord Fairfax in the wilds of western Virginia. The same training that fitted George Washington for his career as commander-in-chief of the armies and the first chief executive of the United States, fitted Richard Caswell for similar duties in his more contracted field.

Of North Carolinians, Richard Caswell was perhaps the most versatile man of his day. He was a surveyor, a lawyer, an orator, a statesman, and a soldier, and in each of these fields of activity won distinction among his contemporaries. In all those contests between the Assembly and the governor, which led up to the Revo-

lution, Caswell stood in the forefront along with Harvey and Harnett in support of popular government. It is not, however, Caswell's political career that I shall discuss today. I could not do so without repeating much that has already been said. It is to Caswell the soldier that I shall invite your attention. I do not subscribe to the dictum of some of our modern teachers and universal-peace-advocates that we should omit the wars of mankind from our histories and anathematize the soldiers of the world. For one, though I should like to live to see the day of universal peace, I shall not join with some of its enthusiasts in declaring that all war is "only murder" and in denouncing the Washingtons of history as "man-killers." The man who is forced to wage war in a righteous cause deserves well of his country: the soldier who goes forth to battle at his country's command deserves to be held in high honor by all who admire courage and self-sacrifice and patriotism. Nor would we get a true perspective of history were we to omit the wars and battles of the past. A distinguished soldier and historian once pointed out that there were fifteen great battles the results of which changed the whole course of human history. The most convincing evidence of the greatness of our revolutionary ancestors is that they were willing to contend in battle in defense of those principles of political liberty for which they contended in the forum. I feel, therefore, that I need not apologize today for inviting your attention to the career of one of those revolutionary soldiers whose skill and courage in battle secured for us those liberties which Harvey and Harnett claimed for us in the halls of legislation.

Caswell's first real military service was in the campaign against the Regulators in 1771.² At that time he was colonel of the militia of Dobbs (now Lenoir and Greene) county; and when Tryon organized his army to march against the Regulators, Caswell led his militiamen to join him. The army moved out of New Bern April 23, and after a long march during which it was joined by troops from several of the interior counties, pitched their tents, May 14th, at Great Alamance Camp. The next morning, at break of day, the troops, leaving their tents standing, moved forward to a position within half a mile of the army of the Regulators, and were formed into a line of battle. The right wing of Tryon's army was composed of the troops from Craven, Beaufort, New Hanover and Dobbs counties, and was under the command of Colonel Caswell. It is not necessary to go into the details of the battle. The outcome was the same that always results from a clash between a disorganized mob and a well-appointed army. The militia, well-equipped and organized, all circumstances considered, were commanded by an experienced officer, and the Regulators were driven pell-mell from the field.

The important feature of the contest from our point of view is that it gave to Caswell his first real military experience. For some time he had been colonel of the militia of Dobbs county, but beyond the drilling of a few ill-organized farmers, he had seen nothing that could be called a military organization. Tryon's army, though numbering but little more than 1000 men, was the largest body of troops that had ever been

2. Col. Rec., VIII., 574-600, 660-718; State Rec., XIX., 838, 841. For a good account of this campaign see Haywood: Governor Tryon of North Carolina, 104 et seq.

assembled in the colony. Tryon himself was a soldier not without military knowledge and skill. For the first time, therefore, except for the companies of rangers which guarded the frontier from the Indians, the militia officers of the colony saw a considerable body of men under arms brought together, organized and equipped for war; saw them go through their military maneuvers, marching and counter-marching; saw them enter upon an extended campaign, drawn up in battle-lines and, finally, actually engage in a sanguinary battle under the command of a skillful leader. It was fine training for Richard Caswell and served to prepare him for his subsequent military career in the same way that the campaigns of the French and Indian War served to prepare a greater American soldier for his greater career. At Alamance, Caswell and the other future revolutionary soldiers of North Carolina, under the leadership of William Tryon, learned lessons in war which they were soon to put into use in a way that Tryon liked little enough.

Caswell was one of the first of the Whig leaders to foresee that the contest between England and her colonies would probably result in war; and he was urgent in his appeals to the Provincial Congress to organize, equip and drill troops for the emergency. One of the most interesting documents of that period now extant is a letter which he wrote to his son from Philadelphia whither he had gone to take his seat in the second Continental Congress. In this letter he describes in detail the incidents of his journey, in company with Joseph Hewes, from Halifax, which he left April 30, to Philadelphia, where he arrived May 9th; and the incidents upon which he dwells reveal the trend of his thought. At Petersburg, Virginia, he

and Hewes received their first news of the battle of Lexington, and from then on at every stage of their journey they met companies of hurrying and excited soldiers. At Hanover Court House he and Hewes met a body of 1,500 Virginians, under the command of Patrick Henry, on their way to Williamsburg to force Governor Dunmore to restore some powder and arms that he had captured. After that, as Caswell wrote, they "were constantly meeting armed men who had been to escort the delegates of Virginia on their way" to Philadelphia. When they reached the Potomac river, over which the Virginia delegates had just passed, they found the militia of three counties, in their uniforms of hunting shirts, drawn up under arms. As soon as the Virginia soldiers learned of the arrival of the Carolinians, they marched out to receive them, and to escort them to the water's edge, as Caswell wrote, "with all the military honors due to general officers." At Port Tobacco in Maryland, they met one of the Maryland independent companies who, declared Caswell, "made a most glorious appearance. Their company consisted of 68 men beside officers all genteelly dressed in scarlet and well equipped with arms and war-like implements, with drum and fife." Here they also overtook the Virginia delegates. "The next morning," writes Caswell, "we all set out together and were attended by the Independents to the verge of their county, where they delivered us to another company of Independents, in Prince George county, they in like manner to a second, and that to a third, which brought us through their county. We lodged that night at Marlborough; and the next day, though we met with a most terrible gust, lightning, thunder, wind, hail and rain, arrived at Baltimore, at the

entrance of which town we were received by four Independent Companies who conducted us with their colors flying, drums beating and fifes playing, to our lodging at the Fountain Tavern. The next day we were prevailed on to stay at Baltimore where Colonel Washington accompanied by the rest of the delegates received the troops. They have four companies of 68 men each, who go through their exercises extremely clever." At Philadelphia, Caswell found that "a greater martial spirit prevails if possible than I have been describing in Virginia and Maryland. They had 28 companies complete which make near 2000 men who march out to the command and go through their exercises twice a day regularly. Scarce anything but warlike music is to be heard in the streets."

All these preparations—the clash of arms, the glitter of bayonets, the roll of drums, the tramp of soldiers, the military honors with which he had been everywhere greeted—aroused Caswell's military ardor and fired his ambition. He made no secret of his joy at the prospects of war and military renown, and urged his son to show his letter to his friends in North Carolina and stir them to action. "Show them this letter," he wrote, "and tell them it will be a reflection on their country to be behind their neighbors, that it is indispensably necessary for them to arm and form into a company or companies of independents. When their companies are full 68 private men each to elect officers, viz, a captain, two lieutenants, an ensign and subalterns and to meet as often as possible and go through the exercises. Receive no man but such as can be depended on, at the same time reject none who will not discredit the company. If I live to return I shall most cheerfully join any of my country-

men, even as a rank and file man, and . . . that or any other difficulties, I shall not shun whilst I have any blood in my veins, but freely offer it in support of the liberties of my country. . . . You my dear boy must become a soldier and risk your life in support of those invaluable blessings which once lost, posterity will never be able to regain. Some men, I fear, will start objections to the enrolling of companies and exercising the men and will say it will be acting against the government. That may be answered that it is not so, that we are only qualifying ourselves and preparing to defend our country and support our liberties."³

The two most important matters that came before the Provincial Congress of August, 1775, were the formation of a temporary government and the organization of an army.⁴ The first of these problems, as I pointed out in my account of the career of Cornelius Harnett, was met by creating the Provincial Council and the system of committees of safety. After this the Congress took up the military situation. "Our principal debates," wrote Samuel Johnston, president of Congress, "will be about raising troops." As a preliminary to this step, the Congress first issued what we may not inaptly call a declaration of war. They declared that whereas "hostilities being actually commenced in Massachusetts Bay by the British troops under the command of General Gage; . . . and whereas his Excellency Governor Martin hath taken a very active and instrumental share in opposition to the means which have been adopted by this and the other United Colonies for the common safety, . . .

3. Col. Rec., IX., 1247-1250.

4. Col. Rec., X., 164-220.

Therefore [be it resolved that] this colony be immediately put into a state of defence."⁵ Accordingly it was ordered that two regiments, of 500 men each, be raised for the continental army which the Continental Congress had determined to raise and over which Washington had been placed in command. Colonel James Moore, of New Hanover, and Colonel Robert Howe, of Brunswick, were put in command of these troops.⁶ The province was then divided into six military districts, and in each of these a regiment of 500 men was to be raised. When called into active service these troops were to be under the same discipline and regulations as the continental troops.⁷ They differed from the militia in that, until independence should be declared, the militia were subject to the orders of the royal governor; these independent troops were subject to the orders only of the revolutionary government. Thus 4000 troops were ordered to be raised by Congress for resistance to the Crown. In addition to these, authority was given for the enlistment of companies of minute men, and provision was made for a more effective organization of the militia. It was also ordered "that a bounty of twenty-five shillings be allowed for each private man and non-commissioned officer to buy a hunting-shirt, leggings, or splater-dashes and black garters, which shall be the uniform."

In all these military arrangements, Caswell had taken a prominent part; and when Congress came to select officers to command these troops, his services

5. Col. Rec., X., 185-186.

6. Col. Rec., X., 186-187.

7. Col. Rec., X., 196-200.

were duly acknowledged by his being elected colonel of the New Bern district.⁸ Preferring a military career to political service, he resigned his seat in the Continental Congress, and took prompt and energetic measures to raise, arm, equip and drill his regiment. The time in which he had to work was short, for Governor Martin was also actively at work organizing the Royalists for the subjugation of the colony. Within less than six months after his appointment to his command, Caswell came into collision with Martin's Royalists at Moore's Creek Bridge and fought there a battle on which hung the fate of all the southern colonies.

Governor Martin, as we have seen, had fled from the governor's palace at New Bern and taken refuge in Fort Johnston near the mouth of Cape Fear river. From Fort Johnston he was driven to seek refuge on board the king's sloop-of-war *Cruizer*, stationed in the Cape Fear. Almost at the very moment of his flight, Lord Dartmouth, secretary of state for the colonies, was writing to him: "I hope his Majesty's government in North Carolina may be preserved, and his governor and other officers not reduced to the disgraceful necessity of seeking protection on board the king's ships."⁹ Smarting keenly under the disgrace of his flight to the *Cruizer*, Martin determined to leave no stone unturned by which he might restore himself to the good graces of the king. He busied himself with perfecting a well-conceived plan for the reduction of the four southern colonies—Virginia, North

8. Col. Rec., X., 205.

9. Col. Rec., X., 90.

Carolina, South Carolina, and Georgia. Briefly his plan was as follows:

He proposed to raise an army of 10,000 Tories, Regulators and Scotch Highlanders in the interior of North Carolina and to assemble them at Wilmington about the middle of February, 1776. There they were to be joined by seven regiments of British regulars from Ireland under the command of Lord Cornwallis, supported by a fleet of seventy-two vessels under Sir Peter Parker. Sir Henry Clinton, with an additional force of 2,000 regulars from the British army at Boston, was to sail for the Cape Fear and take command of the campaign. Martin represented to the king that the great majority of the people of North Carolina were Loyalists at heart, and when this force should assemble in the Cape Fear, they would rise in their might, overthrow the rebel government, restore the royal authority in North Carolina, and then with this province as a base of operation proceed to the conquest of the other southern colonies. The plan was received with favor by the king, who ordered it to be carried into execution.¹⁰ Had it succeeded, there can be little doubt that Virginia, North Carolina, South Carolina, and Georgia would have been crushed, and the Revolution ended before it had well begun. That it did not succeed was due to the skill and energy of Richard Caswell and his regiment of independent companies.

The middle of February was the time set for the conjunction of the forces at Wilmington. Accord-

10. Col. Rec., X., 45-47, 89-91, 230-237, 247-248, 264-278, 299-300, 306-308, 313-314, 325-328, 364, 396-397, 406-409, 412-413, 420-421, 428-431, 441-445, 452-454, 465-468.

ingly Governor Martin ordered the Loyalists to press down on Brunswick by February 15th. He was informed that the Regulators and Highlanders were fast collecting and that they would place him in possession of the rebellious town of Wilmington by February 25th. General Donald McDonald, a distinguished veteran of Culloden, had been sent from Boston to take command of the Highlanders, and on February 18th with an army of 1600 men, he set out from Cross Creek and took the road on the west bank of the Cape Fear for Wilmington and Brunswick.

In the meantime the Whig leaders had been making active preparations to meet the danger. Colonel James Moore, with the first regiment of continentals, had taken a strong position on Rockfish creek, a small stream a few miles south of Cross Creek, and there awaited the approach of the Highlanders. McDonald's object was to reach Brunswick and he wished, if possible, to avoid a battle. Accordingly, finding Moore's position too strong to be taken without a bloody contest, he fell back to Cross Creek, crossed to the east bank of Cape Fear river, and took the Negro Head Point to Wilmington with the Cape Fear between him and Colonel Moore. This road crossed Moore's creek on a bridge about sixteen miles north of Wilmington.

In the meantime several Whig forces were hurrying to the scene of action. Colonel Alexander Martin was approaching with a small force from Guilford county; Colonel James Thackston with another force was hurrying up from the southwest; Colonels Alexander Lillington and John Ashe, with 250 men, were coming from Wilmington; and Colonel Richard Caswell was making a forced march through the

country with 800 militia and independents from the New Bern district. In the afternoon of February 26, Caswell took a position at the west end of Moore's Creek Bridge, on the same side of the stream toward which McDonald was approaching, while Ashe and Lillington, with 250 troops, held the east end. The three, when united, had together about 1100 men; McDonald was approaching with 1600 well-trained Highlanders.

During the night the Highlanders reached within striking distance of Caswell's camp. McDonald was pleased to find that Caswell had made his camp with Moore's creek in his rear and between his force and that of Lillington and Ashe and he anticipated an easy victory. He accordingly formed his line of battle and awaited the dawn of day with confidence. But Caswell was not so simple minded as the Highland chief imagined. Having deceived McDonald into believing that he intended to receive the attack with the creek in his rear, during the night Caswell left his camp fires burning, as Washington afterwards did at Trenton (a fact which Caswell's friends commented on at the time),¹¹ crossed the bridge under cover of darkness, and took up a new position in conjunction with the forces of Lillington and Ashe. When the Highlanders advanced to the attack at daybreak, they were surprised to find Caswell's camp deserted, and

11. Thomas Burke, delegate to the Continental Congress, writing Jan. 27, 1777, to Caswell, of Washington's victory at Trenton, says: "Washington practiced the same expedient to deceive the enemy, which you, Sir, did at Moore's Creek Bridge and while his fires were burning he decamped, passed the enemy, and surprised three battalions of Hessians which were in the rear." State Rec., XI., 368.

believing their enemy had fled they rushed forward without order. They were met by a well-directed fire from the Americans which, after a few minutes, drove them back with a heavy loss. The victory could not have been more complete. More than seventy of the Highlanders were killed, and so vigorously did Caswell press his advantage that more than half of their number were made prisoners of war, including their commanding general. Caswell's loss was one killed and one wounded. The Highlanders never recovered from this blow and remained neutral during the remainder of the war.¹²

Thus Governor Martin measured the military strength of the province and was disastrously beaten. Clinton and Cornwallis came with their powerful armaments, but finding nobody to welcome them at Cape Fear, save a beaten and dispirited governor, they sailed away to beat in vain against the log walls of Fort Moultrie. Very different would have been the history of North Carolina, and in all probability the history of the United States, if the battle of Moore's creek had resulted differently. If the Highlanders had defeated Caswell, Clinton and Cornwallis would have been received at Wilmington by an army of ten thousand Loyalists and North Carolina would surely have been subjugated, while South Carolina and Georgia would have been overrun in the summer of 1776 instead of in the summer of 1779. Of the effects of this victory, Bancroft writes:

12. Col. Rec., X., 482, 483-484, 485, 486-493; State Rec., XI., 383. For an excellent account of the battle of Moore's Creek see Noble, M. C. S.: *Battle of Moore's Creek Bridge*, *North Carolina Booklet*, Vol. III, No. 11, reprinted in Peele, W. J. (Ed.): *Literary and Historical Activities in North Carolina, 1900-1905*, pp. 215-238.

"In less than a fortnight, more than nine thousand four hundred men of North Carolina rose against the enemy; and the coming of Clinton inspired no terror. . . . Almost every man was ready to turn out at an hour's warning. . . . Virginia offered assistance, and South Carolina would gladly have contributed relief; but North Carolina had men enough of her own to crush insurrection and guard against invasion; and as they marched in triumph through their piney forests, they were persuaded that in their own woods they could win an easy victory over British regulars. The terrors of a fate like that of Norfolk could not dismay the patriots of Wilmington; the people spoke more and more of independence; and the Provincial Congress, at its impending session was expected to give an authoritative form to the prevailing desire."¹³

When this Congress met at Halifax in April, 1776, it unanimously adopted the following resolution:

"Resolved, That the thanks of this Congress be given to Colonel Richard Caswell, and the brave officers and soldiers under his command, for the very essential service by them rendered this country at the battle of Moore's Creek."¹⁴

The tide of war now turned away from North Carolina and during the next four years the state was free both from invasion from without and from insurrection from within. Her troops however marched northward and joined the Continental Army under Washington. In the meantime Caswell had been elected governor, and during these years bent all of

13. History of the United States (Ed. of 1860), VIII., 289-290.

14. Col. Rec., X., 513, 515-516.

his energy to keep the state's regiments up to their full quotas and to keep them properly armed and equipped. Under the stimulus of his activity iron works sprung up in the state, gun factories were established, powder mills were set up, privateers patrolled the coast and brought in supplies from the West Indies, and large quantities of arms, ammunition, clothes, and food were sent to supply Washington's suffering veterans. At all times he was solicitous for the conduct and welfare of the North Carolina troops. To his son, serving under Washington in the battles around Philadelphia, he wrote: "Do tell me of the conduct and behavior of the North Carolina men—how some of them have fallen, whether bravely or otherwise. Though the latter, I flatter myself, you will have no account to give, yet if you have, I wish to know it."¹⁵

In the autumn of 1778 the South again became the scene of war. Having failed in their campaign against New England and the Middle Atlantic colonies, the king and ministry determined to make another attempt on the Carolinas and Georgia. "If the rebellion could not be broken at the center, it was hoped that it might at least be frayed away at the edges; and should fortune so far smile upon the royal armies as to give them Virginia also, perhaps the campaigns against the wearied North might be renewed at some later time and under better auspices."¹⁶ This plan came dangerously near to being successful. Savannah, Augusta, Charleston, Ninety-Six and other strategic points one after another fell into the hands of the British, and South Carolina and Georgia were reduced

15. State Rec., XV., 707.

16. Fiske: *The American Revolution*, II., 163-164.

once more to royal rule. It was not until Cornwallis turned his arms against North Carolina that his victorious career was checked.

As soon as it was learned that an invasion of Georgia and South Carolina was intended, those two colonies turned to North Carolina for assistance. At their request the Continental Congress, September 25, 1778, passed a resolution urging Virginia to send 1000 troops, and North Carolina to send 3,000, "without loss of time," to the aid of South Carolina and Georgia; and at the special request of the former state, adopted the following resolution:

"Resolved, That in case Governor Caswell shall find it consistent with the duties of his station, and shall be inclined to march to the aid of South Carolina and Georgia, at the head of the North Carolina troops, he shall, while on this expedition, have the rank and pay of major-general in the army of the United States of America."¹⁷

The troops were sent, but fortunately for the state Caswell could not go with them. He accordingly appointed General John Ashe to the command; and Ashe and his entire army, through the folly of the commander-in-chief, General Benjamin Lincoln, were captured at the fall of Charleston.

After the fall of Charleston there was not the vestige of an American army in the South. Georgia and South Carolina lay crushed under the heels of the British army, and the hope of the American cause lay in North Carolina. Toward this state, therefore, Lord Cornwallis now turned his victorious arms.

17. Ford, W. C. (Ed.): *Journals of the Continental Congress*, XII., 950; *State Rec.*, XXII., 983, 984, 986.

Caswell's third successive term as governor expired in April, 1780, and he could not succeed himself. Accordingly, in view of the crisis which the state was facing, he was commissioned major-general and given command of all the North Carolina militia.¹⁸ He set himself energetically to arouse the state to a sense of her danger and responsibility, and to collect the militia to repel the threatened invasion. How well he succeeded, Governor Josiah Martin describes more effectively than I can. Writing to the secretary of state, August 18, 1780, immediately after the battle of Camden, he says:

"The state of our affairs in this country, in the hour of this memorable action, was so delicate and full of embarrassment and difficulty as can be imagined. From the time the rebel army assembled at Hillsborough, early in June, every devise had been practiced upon the adherents of the usurpation in this province to prepare them for a new revolt; and it appears that they were found very generally prone to the enemy's purpose as they could wish for. By the latter end of July, or sooner, they were joining the rebel armies, or arming against us more or less in all quarters of it. . . . The main body of the enemy's army marched by the North Carolina militia under Caswell, crossed the Pedee about the 1st or 2nd inst., by their approach spreading such terror and dismay among the well affected as intimidated all the ordinary as well as extraordinary spies employed by Lord Rawdon to a degree so great that every channel of intelligence failed him, a circumstance I could have scarcely believed if I had not been witness to the fact."¹⁹

18. State Rec., XVII., 678, 681; XXIV., 341.

19. State Rec., XV., 49-56.

It is perhaps idle to speculate as to what would have been the result of this campaign if Caswell had been left in command. As it was, the Continental Congress sent General Horatio Gates to Hillsboro, and being an officer in the Continental Army he superseded Caswell. It was an unlucky choice. Gates, hailed throughout the country as the "hero of Saratoga," was puffed up with an enlarged sense of his own importance, and would listen to advice from nobody. He chose first one route of advance, then another; one day he pressed forward rashly, another he hesitated; he vacillated between this plan and that, until the whole army, which had set forward in confidence, was filled with a spirit of unrest and uncertainty. He ignored the use of cavalry and as a consequence was in total ignorance of Lord Cornwallis' movements. Suddenly, about two o'clock in the night of August 15th, his army, while leisurely on the march, came unexpectedly into collision with the British army which had set out to surprise Gates. Both armies then lay on their arms awaiting the break of day. Gates formed his line of battle, with the Maryland and Delaware continentals on his right, the North Carolina militia under Caswell in the center, and the Virginia militia on the left. The battle opened with an assault on the Virginia troops by Cornwallis' right, composed of disciplined British regulars. They drove the Virginians in confusion from the field and then turned on Caswell's flank while at the same time he was assaulted by another brigade in the front. His inexperienced troops, unable to withstand this double attack, soon gave way in retreat, which quickly became a rout. Caswell struggled manfully to rally his broken lines, but in vain. The Maryland troops, and Dixon's regiment of

North Carolina militia, made a determined stand, fought like veterans, and retreated from the field in good order. As for the rest of the army, it fled in the wildest confusion, bringing to a shameful close the worst defeat ever suffered by an American army. Gates and Caswell hurried to Hillsboro to collect the fragments and save what they could from the wreck.

After this defeat the tide of public sentiment in North Carolina for a time turned strongly against Caswell and he was superseded in command of the militia by General William Smallwood, an experienced Maryland officer. This appointment was received with great indignation by the North Carolina officers.²⁰ The new year, 1781, opened under a dark cloud for the American cause. The British held Wilmington, Charlotte, Hillsboro, and it appeared that there was nothing to prevent their moving at will wheresoever they desired. Caswell had been elected to the Senate from Dobbs county, and now again, in this hour of gloom, the state turned to him for counsel and guidance. He was requested to recommend proper measures for the defense of the state. The measure he suggested was that the Legislature should appoint "a council extraordinary, to consist of three men in whom the Legislature can place the highest confidence, to advise his Excellency in the exigencies of the state, and that the governor, with the advice of any two of them, be invested with full power to take such measures as shall be deemed necessary for the defense and preservation of the state in all cases whatsoever."²¹ This sugges-

20. State Rec., XIV., 400, 401, 402, 419, 425-426, 435, 771, 772, 785, 787; XV., 131.

21. State Rec., XVII., 658, 676, 745, 746, 756, 757, 774; XXIV., 378-379.

tion was adopted by the Legislature which chose Caswell, Alexander Martin, and Allen Jones as members of the Council. At the same time the Legislature adopted a resolution declaring that the appointment of General Smallwood to the command of the North Carolina militia, was not intended as any reflection on General Caswell but that "as there were sundry and sufficient reasons why Major-General Caswell could not immediately take the field, that Brigadier-General Smallwood, being the oldest brigadier in the Southern Department, should take the command of the militia in his absence."²² Desirous, therefore, of utilizing his services for the state and of restoring him to his rank and command, the two houses of the Legislature adopted the following resolution:

"Whereas, it is essential to the public service and a measure that will tend to draw a large force into the field, that an officer of ability, integrity, and experience, should take the command of the militia.

"Resolved unanimously, That Richard Caswell, Esq., be appointed a major-general in the Continental Army, in a separate department, and that he be requested to take command and call on the several continental officers in this state not on duty, requiring them to assist in the immediate defense of the same, and to appoint them to such commands as he shall find necessary, which may tend to promote order and discipline in the militia, give satisfaction to the regular and not disgust the militia officers."

Thus Caswell was given entire control over the military affairs of the state. He did not, however, again take the field. Elected chairman of the Council

22. State Rec., XVII., 670-671.

Extraordinary, his time and energies were consumed in administrative affairs. It was largely through his efforts in raising and equipping troops, collecting and forwarding ammunition and supplies, that General Greene was enabled to turn on Cornwallis at Guilford Court House and check his victorious advance. In this work Caswell continued active until the last British soldier had left the state forever.

Of Caswell's civil and political services I have not had time to speak. He served the state in almost every capacity possible. In closing this account of his career, I cannot do better than quote the following somewhat exaggerated summary of his biographer:

"Richard Caswell, surveyor, lawyer, legislator, speaker of the Assembly, colonel, treasurer, delegate to the Continental Congress, president of the Provincial Congress, brigadier-general, major-general, chairman of the Council Extraordinary, speaker of the Senate, comptroller-general and governor, was more variously honored by the people of North Carolina than any other citizen before or since his day. He was distinguished as a lawyer, and as a legislator none has excelled him in statecraft, judging from his popularity and continued power. As a war governor he had a popularity, a power and efficiency that made him at least the equal of Vance, who stands unsurpassed in modern history. As a military officer, in organizing and equipping troops for service, North Carolina has never produced a man who had such control among so many difficulties. Nathaniel Macon, who received his first training in statecraft under Richard Caswell, says of him: 'Governor Caswell of Lenoir was one of

the most powerful men that ever lived in this or any other country.' As a statesman, his patriotism was unquestioned, his discernment was quick, his judgment sound; as a soldier, his courage was undaunted, his vigilance untiring, his success triumphant."

V

SAMUEL JOHNSTON

On the east coast of Scotland, twelve miles from the confluence of the Firth of Tay with the German Ocean, lies the ancient town of Dundee, in population third, in commercial importance second among the cities of Scotland. The general appearance of Dundee, we are told, is picturesque and pleasing, and its surrounding scenery beautiful and inspiring. Thrift, intelligence, and independence are characteristics of its inhabitants. It is noted for its varied industrial enterprises, and from time immemorial has been famous among the cities of Britain for its extensive linen manufactures. A long line of men eminent in war, in statecraft, in law, and in letters adorns its annals. Its history carries us back to the time of the Crusades. In the twelfth century it received a charter as a royal borough from the hand of King William the Lion. Within its walls William Wallace was educated, and there he struck his first blow against the domination of England. In the great Reformation of the sixteenth century its inhabitants took such an active and leading part as to earn for their town the appellation of "the Scottish Geneva." During the civil wars of the following century they twice gave over their property to pillage and themselves to massacre rather than submit to the tyranny of the House of Stuart. But in every crisis the indomitable spirit of Dundee rose superior to disaster and her people adhered to their convictions with a loyalty that never faltered and a faith that never failed.

In this fine old city, among its true and loyal people, the ancestors of Samuel Johnston lived, and here, in 1733, he himself was born. The spirit of Dundee, its loyalty to principle, its unconquerable courage, its inflexible adherence to duty, entered into his soul at his very birth, and developed and strengthened as he grew in years and in powers of body and mind. Throughout his life he displayed in public and in private affairs many of those qualities of mind and character which have given the Scotch, though small in number, such a large place in the world's history. Says Mr. Henry Cabot Lodge, "six centuries of bitter struggle for life and independence, waged continuously against nature and man, not only made the Scotch formidable in battle, renowned in every camp in Europe, but developed qualities of mind and character which became inseparable from the race. . . . Under the stress of all these centuries of trial they learned to be patient and persistent, with a fixity of purpose which never weakened, a tenacity which never slackened, and a determination which never wavered. The Scotch intellect, passing through the same severe ordeals, as it was quickened, tempered, and sharpened, so it acquired a certain relentlessness in reasoning which it never lost. It emerged at last complete, vigorous, acute, and penetrating. With all these strong qualities of mind and character was joined an intensity of conviction which burned beneath the cool and calculating manner of which the stern and unmoved exterior gave no sign, like the fire of a furnace, rarely flaming, but giving forth a fierce and lasting heat."¹

1. Address in the United States Senate, March 12, 1910, upon the presentation to the United States by the State of South Carolina, of a statue of John C. Calhoun.

Had the author of these fine lines had the character of Samuel Johnston in his mind's eye, as he did have that of another eminent Scotch-descended Carolinian, his description could not have been more accurate.

In the great crises of our history in which he figured so largely, immediately following the American Revolution, Samuel Johnston with keen penetrating vision saw more clearly than any of his colleagues the true nature of the problem confronting them. This problem was, on the one hand, to preserve in America the fundamental principles of English liberty against the encroachments of the British Parliament, and on the other, to secure the guarantees of law and order against the well-meant but ill-considered schemes of honest but ignorant reformers. For a full quarter of a century he pursued both of these ends, patiently and persistently, "with a fixity of purpose which never weakened, a tenacity which never slackened, and a determination which never wavered." Neither the wrath of a royal governor, threatening withdrawal of royal favor and deprivation of office, nor the fierce and unjust denunciations of party leaders, menacing him with loss of popular support and defeat at the polls, could swerve him one inch from the path of his public duty as he understood it. Beneath his cool and calculating manner burned "an intensity of conviction" which gave him in the fullest degree that rarest of all virtues in men who serve the public—I mean courage, courage to fight the battles of the people, if need be, against the people themselves. Of course Johnston never questioned the right of the people to decide public questions as they chose, but he frequently doubted the wisdom of their decisions; and when a doubt arose in his mind he spoke his sentiments with-

out fear or favor and no appeal or threat could move him. He was ready on all occasions to maintain his positions with a "relentlessness in reasoning" that carried conviction and out of defeat invariably wrung ultimate victory. More than once in his public career the people, when confronted by his immovable will, in fits of party passion discarded his leadership for that of more compliant leaders; but only in their calmer moments to turn to him again to point the way out of the mazes into which their folly had entangled them.

A Scotchman by birth, Samuel Johnston was fortunate in his ancestral inheritance; an American by adoption, he was equally fortunate in his rearing and education. In early infancy² his lot was cast in North

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2. In his third year. His parents, Samuel and Helen (Scrymoure) Johnston came to North Carolina some time prior to May 25, 1735.—Colonial Records of North Carolina, IV., 9. They probably accompanied Samuel's brother, Gabriel, who became governor of the colony, November 2, 1734. McRee incorrectly gives the name of Governor Samuel Johnston's father as John.—Iredell, I., 36. Letters of his at "Hayes" show that his name was Samuel. See also Grimes: Abstracts of North Carolina Wills, 187, 188; and Col. Rec., IV., 1080, 1110. He resided in Onslow county, but owned large tracts of land not only in Onslow, but also in Craven, Bladen, New Hanover, and Chowan.—Col. Rec., IV., 72, 219, 222, 329, 594, 601, 628, 650, 800, 805, 1249. He was a justice of the peace in New Hanover, Bladen, Craven, and Onslow.—Col. Rec., IV., 218, 275, 346, 347, 814, 1239. He served also as collector of the customs at the port of Brunswick.—Col. Rec., IV., 395, 725, 998, 1287; and as road commissioner for Onslow county, State Records, XXIII., 221. His will dated November 13, 1756, was probated in January, 1757.—Abstracts, 188. His wife having died of childbirth in 1751 (letter to his son), his family at the time of his death consisted of two sons, Samuel and John, and five daughters, Jane, Penelope, Isabelle, Ann, and Hannah. To his sons he devised 6,500 acres of land, and to his daughters land and slaves.—Abstracts, 188.

Carolina, the most democratic of the American colonies, and whatever tendency this fact may have given him toward democratic ideals was later strengthened by a New England education³ and by his legal studies. At the age of twenty-one he became a resident of Edenton, then a small village of four or five hundred inhabitants, but the industrial, political, and social center for a large and fertile section of the province. Its leading inhabitants were men and women of wealth, education, and culture. Their social intercourse was easy, simple, and cordial. Cards, billiards, backgammon, dancing, tea-drinking, hunting, fishing and other outdoor sports, were their chief amusements. They read with appreciative insight the best literature of the day, welcomed with eager delight the periodical appearance of the *Spectator* and the *Tatler*, and followed with sympathetic interest the fortunes of Sir Charles Grandison and *Clarissa Harlowe*. They kept in close touch with political events in England, studied critically the Parliamentary debates, and among themselves discussed great constitutional questions with an ability that would have done honor to the most learned

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3. Governor Josiah Martin, writing of Johnston, to Lord George Germain, May 17, 1777, says: "This Gentleman, my Lord, was educated in New England, where . . . it may be supposed he received that bent to Democracy which he has manifested upon all occasions." —Col. Rec., X., 401. Letters from his father, addressed to him while he was at school in New Haven, Conn., bear dates from 1750 to 1753. I have not yet been able to ascertain what school he attended. There are references in these letters which seem to refer to Yale College as the institution which he was attending, but the records of Yale University do not contain Governor Johnston's name among its students. In 1754 he went to Edenton to study law under Thomas Barker.

lawyers of the highest courts of Great Britain.⁴ Within the town and its immediate vicinity dwelt John Harvey, Joseph Hewes, Edward Buncombe, Stephen Cabarrus, and after 1768, James Iredell. Preceding Iredell by a little more than a decade came Samuel Johnston, possessed of an ample fortune, a vigorous and penetrating intellect, and a sound and varied learning which soon won for him a place of pre-eminence in the province. ("He bore," says McRee, "the greatest weight of care and labor as the mountain its crown of granite. His powerful frame was a fit engine for the vigorous intellect that gave it animation. Strength was his characteristic. In his relations to the public, an inflexible sense of duty and justice dominated. There was a remarkable degree of self-reliance and majesty about the man. His erect carriage and his intolerance of indolence, meanness, vice, and wrong, gave to him an air of sternness. He commanded the respect and admiration, but not the love of the people.") At Edenton, surrounded by a group of loyal friends, Johnston entered upon the practice of his profession and in 1759 began a public career which, for length of service, extremes of political fortune, and lasting contributions to the welfare of the state, still stands unsurpassed in our history.

Johnston was twelve times elected to the General Assembly, serving from 1759 to 1775 inclusive. On April 25, 1768, he was appointed clerk of the court for the Edenton district. In 1770 he was appointed deputy naval officer of the province, but was removed by Governor Martin, November 16, 1775, on account

4. See the picture of Edenton society drawn by James Iredell in his diary printed in McRee's Iredell.

5. Life and Correspondence of James Iredell, I., 37-38.

of his activity in the revolutionary movement. December 8, 1773, he was selected as one of the Committee of Continental Correspondence appointed by the General Assembly. He served in the first four provincial congresses, which met August 25, 1774, April 3, 1775, August 20, 1775, and April 4, 1776. Of the third and fourth he was elected president. The Congress, September 8, 1775, elected him treasurer for the northern district. September 9, 1775, he was elected as the member-at-large of the Provincial Council, the executive body of the revolutionary government. The Provincial Council, October 20, 1775, elected him paymaster of troops for the Edenton district. December 21, 1776, he was appointed by the Provincial Congress a commissioner to codify the laws of the state. In 1779, 1783, 1784 he represented Chowan county in the state Senate. The General Assembly, July 12, 1781, elected him a delegate to the Continental Congress. In 1785 the states of New York and Massachusetts selected him as one of the commissioners to settle a boundary line dispute between them. He was three times elected governor of North Carolina, December 12, 1787, November 11, 1788, and November 14, 1789. He resigned the governorship in December 1789 to accept election to the United States Senate, being the first senator from North Carolina. In 1788 and 1789 he was president of the two constitutional conventions, at Hillsboro and Fayetteville, called to consider the ratification of the Federal Constitution. December 11, 1789 he was elected a trustee of the University of North Carolina. From 1800 to 1803 he served as superior court judge. He died in 1816.

Johnston's public career covered a period of forty-four years and embraced every branch of the public service. As legislator, as delegate to four provincial congresses, as president of two constitutional conventions, as member of the Continental Congress, as judge, as governor, as United States senator, he rendered services to the state and the nation which rank him second to none among the statesmen of North Carolina.

You are of course familiar with the principal events which led up to the outbreak of the Revolution. Johnston watched the course of these events with the keenest interest and the most profound insight. From the passage of the Stamp Act in 1765 he maintained a firm and decided stand against every step taken by the British ministry to subject the colonies in their local affairs to the jurisdiction of Parliament. A special significance attaches to his services. His birth in Scotland, his residence in North Carolina, his education in Connecticut, his intimate correspondence with friends in England, all served to lift him above any narrow, contracted, local view of the contest and fitted him to be what he certainly was, the leader in North Carolina in the great continental movement which finally resulted in the American Union. Union was the great bugbear of the king and ministry, and for some years before the actual outbreak of the Revolution the principal object of their policy was to prevent the union of the colonies. They sought, therefore, as far as possible, to avoid all measures which, by giving them a common grievance, would also afford a basis upon which they could unite. In order to accomplish this purpose more effectively acts of Parliament, to a large extent, gave way in the government

of the colonies to instructions from the king issued to the royal governors. These instructions the governors were required to consider as of higher authority than acts of the assemblies, and as binding on both the governors and the assemblies. A set was not framed to apply to all the colonies alike, but special instructions were sent to each colony as local circumstances dictated. Since these local circumstances differed widely in the several colonies, the king and his ministers thought the colonists would not be able to find in them any common grievance to serve as a basis for union.

In North Carolina the battle was fought out on three very important local measures, on all three of which the king issued positive instructions directing the course which the Assembly should pursue. Thus a momentous issue was presented for the consideration of its members: Should they permit the Assembly to degenerate into a mere machine whose highest function was to register the will of the sovereign; or should they maintain it as their charters intended it to be, a free, deliberative, law-making body, responsible for its acts only to the people? Upon their answer to this question it is not too much to say hung the fate of the remotest posterity in this state. I record it as one of the proudest events in our history, beside which the glories of Moore's Creek, King's Mountain, Guilford Court House, and even Gettysburg itself pale into insignificance, that the Assembly of North Carolina had the insight to perceive their problem clearly, the courage to meet it boldly, and the statesmanship to solve it wisely.

"Appointed by the people (they declared) to watch over their rights and privileges, and to guard them

from every encroachment of a private and public nature, it becomes our duty and will be our constant endeavor to preserve them secure and inviolate to the present age, and to transmit them unimpaired to posterity. . . . The rules of right and wrong, the limits of the prerogative of the Crown and of the privileges of the people are, in the present refined age, well known and ascertained; to exceed either of them is highly unjustifiable."⁶

Hurling this declaration into the face of the royal governor the Assembly peremptorily refused obedience to the royal instructions. In this momentous affair Samuel Johnston stood fully abreast of the foremost in maintaining the dignity of the Assembly, the independence of the judiciary, and the right of the people to self-government. With unclouded vision he saw straight through the policy of the king and stood forth a more earnest advocate of union than ever. He urged the appointment of the committees of correspondence throughout the continent, served on the North Carolina committee, and favored the calling of a continental congress. When John Harvey, in the spring of 1774, suggested a provincial congress, Johnston gave the plan his powerful support,⁷ and when the Congress met at New Bern, August 25, 1774, he was there as one of the members from Chowan. Upon the completion of its business this Congress authorized Johnston, in the event of Harvey's death, to summon another congress whenever he should deem it necessary. No more fit suc-

6. For a more extended account of this great contest see Connor: Cornelius Harnett: An Essay in North Carolina History, 68-78.

7. Col. Rec., X., 968.

cessor to Harvey could have been found. Johnston's unimpeachable personal character commanded the respect of the Loyalists,⁸ his known conservatism was a guarantee that the revolutionary program under his leadership would be conducted with proper regard for the rights of all and in an orderly manner, and his thorough sympathy with the spirit and purposes of the movement assured the loyal support of the entire Whig party. How thoroughly he sympathized with the whole program is set forth in the following letter written to an English friend who once resided in North Carolina:

"You will not wonder (he writes) at my being more warmly affected with affairs of America than you seem to be. I came over so early and am now so riveted to it by my connections that I can not help feeling for it as if it were my *natale solum*. The ministry from the time of passing the Declaratory Act, on the repeal of the Stamp Act, seemed to have used every opportunity of teasing and fretting the people here as if on purpose to draw them into rebellion or some violent opposition to Government. At a time when the inhabitants of Boston were every man quietly employed about their own private affairs, the wise members of your House of Commons on the authority of ministerial scribblers declare they are in

8. Archibald Neilson, a prominent Loyalist whom Governor Martin appointed Johnston's successor as deputy naval officer, wrote to James Iredell, July 8, 1775: "For Mr. Johnston, I have the truest esteem and regard. In these times, in spite of my opinion of his judgment, in spite of myself—I tremble for him. He is in an arduous situation: the eyes of all—more especially of the friends of order—are anxiously fixed on him."—McRee's Iredell, I., 260.

a state of open rebellion. On the strength of this they pass a set of laws which from their severity and injustice can not be carried into execution but by a military force, which they have very wisely provided, being conscious that no people who had once tasted the sweets of freedom would ever submit to them except in the last extremity. They have now brought things to a crisis and God only knows where it will end. It is useless, in disputes between different countries, to talk about the right which one has to give laws to the other, as that generally attends the power, though where that power is wantonly or cruelly exercised, there are instances where the weaker State has resisted with success; for when once the sword is drawn all nice distinctions fall to the ground; the difference between internal and external taxation will be little attended to, and it will hereafter be considered of no consequence whether the act be to regulate trade or raise a fund to support a majority in the House of Commons. By this desperate push the ministry will either confirm their power of making laws to bind the colonies in all cases whatsoever, or give up the right of making laws to bind them in any case."⁹

This is a very remarkable letter. Consider first of all its date. It was written at Edenton, September 23, 1774. At that time the boldest radicals in America, even such men as Samuel Adams, of Massachusetts; Patrick Henry, of Virginia; Cornelius Harnett, of North Carolina, scarcely dared breathe the word independence. But here is Samuel Johnston, most conservative of revolutionists, boldly declaring that the

9. To Alexander Elmsly, of London.—Col. Rec., IX., 1071.

contest between England and her colonies was a dispute "between different countries," and threatening an appeal to arms to decide whether the British Parliament should make laws "to bind the colonies in all cases whatsoever," or be compelled to surrender "the right of making laws to bind them in any case." The man who ventured this declaration was no unknown individual, safe from ministerial wrath by reason of his obscurity, but was one of the foremost statesmen of an important colony, and his name was not unfamiliar to those who gathered in the council chamber of the king.

At the beginning of the Revolution, in common with the other Whig leaders throughout the continent, Johnston disclaimed any purpose of declaring independence of Great Britain. But once caught in the full sweep of the revolutionary movement the patriots were carried along from one position to another until, by the opening of the year 1776, they had reached a situation which admitted of no other alternative, and Samuel Johnston stood forth among the foremost advocates of it in North Carolina. As we have seen, North Carolina acted on this subject at Halifax, April 12, 1776, and immediately afterwards appointed a committee "to prepare a temporary civil constitution." Among its members were Johnston, Harnett, Abner Nash, Thomas Burke, Thomas Person, and William Hooper. They were men of political sagacity and ability, but their ideas of the kind of constitution that ought to be adopted were woefully inharmonious. Heretofore in the measures of resistance to the British ministry remarkable unanimity had prevailed in the councils of the Whigs. But when they undertook to frame a constitution faction at once raised its head.

Historians have designated these factions as "Conservatives" and "Radicals," terms which carry their own meanings and need no further explanation. The leader of the Radicals was undoubtedly Willie Jones, while no one could have been found to question the supremacy of Samuel Johnston among the Conservatives. Congress soon found that no agreement between the two could be reached while continued debate on the constitution would only consume time which ought to be given to more pressing matters. Consequently the committee was discharged and the adoption of a constitution was postponed till the next meeting of Congress in November. Thus the contest was removed from Congress to the people and became the leading issue of the election in October.

Willie Jones and his faction determined that Samuel Johnston should not have a seat in the November Congress, and at once began against him a campaign famous in our history for its violence. Democracy exulting in a freedom too newly acquired for it to have learned the virtue of self-restraint, struck blindly to right and left and laid low some of the sturdiest champions of constitutional liberty in the province. The contest raged fiercest in Chowan. "No means," says McRee, "were spared to poison the minds of the people; to inflame their prejudices; excite alarm; and sow in them, by indefinite charges and whispers, the seeds of distrust. . . . It were bootless now to inquire what base arts prevailed, or what calumnies were propagated. Mr. Johnston was defeated. The triumph was celebrated with riot and debauchery; and the orgies were concluded by burning Mr. Johnston in effigy."¹⁰

10. Iredell, I., 334.

From that day to this much nonsense has been written and spoken about Johnston's hostility to democracy and his hankering after the fleshpots of monarchy, and the followers of Willie Jones from then till now have expected us to believe that the man who for ten years had been willing to sacrifice his fortune, his ease, his peace of mind, his friends and family, even life itself, to overthrow the rule of monarchy was ready, immediately upon the achievement of that end, to conspire with his fellow-workers against that liberty which they had suffered so much to preserve. That Johnston did not believe in the "infallibility of the popular voice;" that he thought it right in a democracy for minorities to have sufficient safeguards against the tyranny of majorities; that he considered intelligence and experience more likely to conduct a government successfully than ignorance and inexperience, is all true enough. But that he also ascribed fully to the sentiment that all governments derive "their just powers from the consent of the governed;" that he believed frequency of elections to be the surest safeguard of liberty; that he thought representatives should be held directly responsible to their constituents and to nobody else, we have not only his most solemn declarations, but his whole public career to prove.¹¹ He advocated it is true a government of energy and power, but a government deriving its energy and power wholly from the people. This is the very essence of true, genuine democracy.

Johnston's eclipse was temporary. Accepting his defeat philosophically, he withdrew, after the framing of the constitution, from all participation in politics,

11. See his letter to Iredell in McRee's *Iredell*, I., 277.

and watched the course of events in silence. For assuming this attitude he has been severely censured, both by his contemporaries and by posterity, who have charged him with yielding to pique, and with being "supine" and indifferent to the welfare of the state because he could not conduct its affairs according to his own wishes.¹² But is it not pertinent to ask what other course he could have pursued? He was not an ordinary politician. He had no inordinate itching for public office. He was, indeed, ambitious to serve his country, but his country had pointedly and emphatically repudiated his leadership. Was it not, then, the part of wisdom to bow to the decree? Did not patriotism require him to refrain from futile opposition? The event clearly demonstrated that his course was both wise and patriotic, for the people soon came to their sober second thought and the reaction in Johnston's favor set in earlier than he could possibly have anticipated. They sent him to the state Senate, the General Assembly elected him treasurer, the governor appointed him to the bench, the General Assembly chose him a delegate to the Continental Congress, and the Continental Congress elected him its presiding officer.¹³ The reaction finally culminated in his election as governor in 1781, and his re-election in 1788, and again in 1789. Among the many interesting problems of his administration were the settlement of Indian affairs, the adjustment of the war debt, the treatment of the Loyalists, the cession of the western territory to the Federal government, and the "State of Franklin;" but today time does not permit that we con-

12. See letters of Archibald Maclaine to George Hooper, State Records, XVI., 957, 963.

13. He declined to serve.

sider his policy toward them. The chief issue of his administration was the ratification of the Federal Constitution to the consideration of which we must devote a few moments.

The convention to consider the new constitution met at Hillsboro, July 21, 1788.¹⁴ "Conservatives" and "Radicals" now rapidly crystallizing into political parties as Federalists and Anti-Federalists, arrayed themselves for the contest under their former leaders, Samuel Johnston and Willie Jones. The Anti-Federalists controlled the convention by a large majority, nevertheless out of respect for his office they unanimously elected Governor Johnston president. All the debates, however, were held in committee of the whole and this plan, by calling Governor Johnston out of the chair, placed him in the arena in the very midst of the contest. Though he was the accepted leader of the Federalists, the burden of the debate fell upon the younger men among whom James Iredell stood pre-eminent. Contesting pre-eminence with Iredell, but never endangering his position, were William R. Davie, Archibald Maclaine, and Richard Dobbs Spaight. Governor Johnston but rarely indulged his great talent for debate, but when he did enter the lists he manifested such a candor and courtesy toward his opponents that he won their respect and confidence, and he spoke with such a "relentlessness in reasoning" that but few cared to engage him in discussion. Johnston could not have been anything else than a Federalist. Since the signing of the treaty of peace with England the country

14. The Journal of this Convention is printed in State Rec., XXII., 1-35.

had been drifting toward disunion and anarchy with a rapidity that alarmed conservative and thoughtful men. The issue presented in 1787 and 1788, therefore, was not the preservation of liberty but the prevention of anarchy, and on this issue there could be but one decision for Samuel Johnston. The day for the speculative theories and well turned epigrams of the Declaration of Independence had passed; the time for the practical provisions of the Federal Constitution had come. Consequently the debates at Hillsboro dealt less with theories of government than with the practical operations of the particular plan under consideration.

In this plan Willie Jones and his followers saw all sorts of political hobgoblins, and professed to discover therein a purpose to destroy the autonomy of the states and to establish a consolidated nation. They attacked the impeachment clause on the ground that it placed not only Federal senators and representatives, but also state officials and members of the state legislatures completely at the mercy of the National Congress. Johnston very effectively disposed of this ridiculous contention by pointing out that "only officers of the United States were impeachable," and contended that senators and representatives were not Federal officers but officers of the states. Continuing he said:

"I never knew any instance of a man being impeached for a legislative act; nay, I never heard it suggested before. A representative is answerable to no power but his constituents. He is accountable to no being under heaven but the people who appoint him. . . . Removal from office is the punishment, to which is added future disqualification. How can a man be

removed from office who has no office? An officer of this state it not liable to the United States. Congress cannot disqualify an officer of this state. No body can disqualify but the body which creates. . . . I should laugh at any judgment they should give against any officer of our own."¹⁵

But, said the opponents of the Constitution, "Congress is given power to control the time, place, and manner of electing senators and representatives. This clause does away with the right of the people to choose representatives every year;" under it Congress may pass an act "to continue the members for twenty years, or even for their natural lives;" and it plainly points "forward to the time when there will be no state legislatures, to the consolidation of all the states." To these arguments Johnston replied:

"I conceive that Congress can have no other power than the states had The powers of Congress are all circumscribed, defined, and clearly laid down. So far they may go, but no farther. . . . They are bound to act by the Constitution. They dare not recede from it."

All these arguments sound very learned and very eloquent, retorted the opponents of the Constitution, but the proposed Constitution does not contain a bill of rights to "keep the states from being swallowed up by a consolidated government." But Governor Johnston, in an exceedingly clear-cut argument, pointed out not only the absurdity but even the danger of including a bill of rights in the Constitution. Said he:

"It appears to me, sir, that it would have been the

15. Elliott's Debates. The extracts from Johnston's speeches on the Constitution, which follow, are all from the same source.

highest absurdity to undertake to define what rights the people of the United States are entitled to; for that would be as much as to say they are entitled to nothing else. A bill of rights may be necessary in a monarchical government whose powers are undefined. Were we in the situation of a monarchical country? No, sir. Every right could not be enumerated, and the omitted rights would be sacrificed if security arose from an enumeration. The Congress cannot assume any other powers than those expressly given them without a palpable violation of the Constitution. . . . In a monarchy all power may be supposed to be vested in the monarch, except what may be reserved by a bill of rights. In England, in every instance where the rights of the people are not declared, the prerogative of the king is supposed to extend. But in this country we say that what rights we do not give away remain with us."

Though Johnston desired to throw all necessary safeguards around the rights of the people, he did not desire a Union that would be a mere rope of sand. The Union must have authority to enforce its decrees and maintain its integrity, and if he foresaw the rise of the doctrines of nullification and secession, he foresaw them only to expose what he thought was their fallacy.

"The Constitution (he declared) must be the supreme law of the land, otherwise it will be in the power of any state to counteract the other states, and withdraw itself from the Union. The laws made in pursuance thereof by Congress, ought to be the supreme law of the land, otherwise any one state might repeal the laws of the Union at large. . . . Every

treaty should be the supreme law of the land; without this, any one state might involve the whole union in war."

Acts of Congress, however, must be in "pursuance" of the powers granted by the Constitution, for Johnston had no sympathy with the notion that the courts must enforce acts of legislative bodies regardless of their constitutionality. As he said:

"When Congress makes a law in virtue of their (sic) constitutional authority, it will be actual law. . . . Every law consistent with the Constitution will have been made in pursuance of the powers granted by it. Every usurpation, or law repugnant to it, cannot have been made in pursuance of its powers. The latter will be nugatory and void."

Johnston, of course, did not think the Constitution perfect and he was as anxious as Willie Jones to have certain amendments made to it. But he took the position that North Carolina, then fourth of the thirteen states in population, would have more weight in securing amendments in the Union than out of it. Indeed, he reasoned, as long as the state remains out of the Union there is no constitutional way in which she can propose amendments. Accordingly, as the leader of the Federalists, on July 30, he offered a resolution:

"That though certain amendments to the said Constitution may be wished for, yet that those amendments should be proposed subsequent to the ratification on the part of this state, and not previous to it."

Willie Jones promptly rallied his followers against this action and defeated Johnston's resolution by a vote of 184 to 84. Then after proposing a series of amendments, including a bill of rights, the Convention, by

the same vote of 184 to 84, refused to ratify the Constitution and, August 2, adjourned *sine die*.

Thus a second time, in a second great political crisis, Willie Jones triumphed over his rival; but again, as in 1776, his triumph was shortlived. With wise forethought Iredell and Davie had caused the debates of the Convention to be reported and published, and through them appealed from the Convention to the people. How far these debates influenced public opinion it is of course impossible to say, but certain it is that no intelligent, impartial reader can rise from their perusal without being convinced that the Federalists had much the better of the argument. Public opinion so far shifted toward the Federalists' position that when the second Convention met at Fayetteville, November 16, 1789, the Federalists had a larger majority than their opponents had had the year before.¹⁶ Again Samuel Johnston was unanimously elected president. The debates of this Convention were not reported; indeed, the debates of the former Convention had rendered further discussion unnecessary. The people of the state had read those debates and had recorded their decision by sending to the Convention a Federalist majority of more than one hundred. Accordingly after a brief session of only six days the Convention, November 21, 1789, by a vote of 195 to 77, ratified the Constitution of the United States and North Carolina re-entered the Federal Union.

The privilege of transmitting the resolution of ratification to the President of the United States and of receiving from him an acknowledgment of his sincere

16. The Journal is printed in State Rec., XXII., 36-53.

gratification at this important event, fell to the lot of Samuel Johnston. It was fitting, too, that he who, for more than twenty years, had stood among the statesmen of North Carolina as the very personification of the spirit of union and nationalism should be the first to represent the state in the Federal Senate. Of his services there I cannot speak today more than to say that he represented the interests of North Carolina with the same fidelity to convictions and courage in the discharge of his duties which had always characterized his course in public life; and that on the great national issues of the day he lifted himself far above the narrow provincialism which characterized the politics of North Carolina at that time and stood forth in the Federal Senate a truly national statesman. It had been well for North Carolina and her future position in the Union had she adhered to the leadership of Johnston, Davie, Iredell, and the men who stood with them—men too wise to trifle with their principles, too sincere to conceal their convictions, and too brave and high-minded to mislead the people even for so great a reward as popular favor. But in the loud and somewhat blatant politics of that day these men could play no part, and one by one they were gradually forced from public life to make way for other leaders who possessed neither their wisdom, their sincerity, nor their courage. In 1793 Samuel Johnston retired from the Senate, and, except for a brief term on the bench, spent the remaining twenty-three years of his life in the full enjoyment of his happy family circle.

Samuel Johnston deserves a high rank among the constructive statesmen of North Carolina. On the mere score of office-holding he has been equalled by few and surpassed by none of the public men of this

Commonwealth. But in the fierce light of history what a paltry thing is the mere holding of public office; and how quickly posterity forgets those who present no other claim to fame! Posterity remembers and honors him only who to other claims adds those of high character, lofty ideals, and unselfish service; whose only aims in public life are the maintenance of law, the establishment of justice, and the preservation of liberty; who pursues these ends with a fixity of purpose which never weakens, a tenacity which never slackens, and a determination which never wavers. Measuring Samuel Johnston by this standard, I am prepared to say that among the statesmen of North Carolina he stands without a superior. Indeed, taking him all in all, it seems to me that he approaches nearer than any other man in our history to Tennyson's fine ideal of the "Patriot Statesman."

"O Patriot Statesman, be thou wise to know
The limits of resistance, and the bounds
Determining concession; still be bold
Not only to slight praise but suffer scorn;
And be thy heart a fortress to maintain
The day against the moment, and the year
Against the day; thy voice, a music heard
Thro' all the yells and counter yells of feud
And faction, and thy will, a power to make
This ever-changing world of circumstance,
In changing, chime to never-changing Law."

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ANTE-BELLUM BUILDERS OF NORTH CAROLINA

BY R. D. W. CONNOR

SECRETARY NORTH CAROLINA HISTORICAL COMMISSION

Lecturer on North Carolina History, State Normal College

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Ante-Bellum Builders of North Carolina

I

INTRODUCTION

In the course of the lectures which it was my privilege to deliver before you last spring, as perhaps some of you may recall, I discussed the careers of four North Carolina statesmen of the Revolution, and through their activities traced the history of the State from the beginning of the revolt against the mother country in 1765, through the inauguration of the Revolution, the organization of the State government, and the achievement of independence, to the ratification of the Federal Constitution in 1789.

It is my present intention to take up the discussion at this point, and through the careers of four other North Carolina statesmen of a later period to study the educational, industrial and political achievements that characterized the history of North Carolina during the first half of the nineteenth century. But before entering upon the careers of these "Ante-Bellum Builders of North Carolina," it is necessary that we take a rapid survey of the field in which they toiled and of the conditions under which they labored. Today, therefore, I shall ask your attention to a brief discussion of the educational, industrial and political conditions that prevailed in North Carolina during the half-century from 1790 to 1840. We shall find in this survey, I fear, but little to arouse your interest and still less

to excite your pride, for I must tell you that during the whole of this period the State undertook no great enterprise for the material, intellectual or social betterment of her people, and that its story is the dreari-est, most uninspiring chapter in our history. Nevertheless, if we look below the surface of the events of this period we shall discover the undercurrents of a great movement which, beginning in its early years and bringing it to a close in triumph, saves it from utter barrenness and makes it an instructive period for study. This movement was the origin, rise and growth of democracy without which neither the remarkable industrial and educational development of the two decades from 1840 to 1860, nor the heroic achievements of the State from 1860 to 1865, would have been possible.

I shall begin this survey with a glance at the educational conditions in North Carolina during these fifty years under consideration. Those of us who have lived to see the first monument ever erected to a North Carolina statesman entirely by popular subscription, erected to the founder of the State's leading college for women, and who have lived through the administration of a great Chief Magistrate of the Commonwealth whose highest claim to a permanent place in history is his service as "The Educational Governor," can scarcely realize the utter indifference to education that prevailed among the people of North Carolina from 1790 to 1840. To make these conditions as real as possible to you is the task which I now approach. It is not a pleasant task, yet, fortunately, it is not one void of instruction. Indeed, I know of no subject in North Carolina history that will better repay careful study than the

fifty years of agitation that preceded the establishment in 1840 of our ante-bellum common school system.

In 1786 a traveller of uncommon intelligence, after making a tour from Edenton to Charlotte, entered in his journal the assertion that no State in the Union at that period had done so little to promote the cause of education, science and the arts as North Carolina, and he observed that the great mass of the people were in a state of great mental degradation.¹ These statements are borne out by Archibald D. Murphey, who tells us that in 1794 there were but three schools in the State in which the rudiments of a classical education could be acquired, that in the best of these the opportunities for instruction were very limited, that except for a few Latin and Greek classics the students had access to no books of history or literature, and that it was impossible to realize the difficulties under which the student of that day labored in his search for an education.² This statement, the result of Murphey's own personal experience, was made in 1827, and even at that day the conditions had improved but little. Indeed, there were to be found intelligent people who did not think conditions were any better then than they were when North Carolina was a colony of the British Crown. Our historians have always found great satisfaction in excusing the lack of educational facilities in North Carolina during colonial days by declaring that the King vetoed every measure passed by the General

1. Watson, Elkanah: *Men and Times of the Revolution*, 290.

2. Hoyt, W. Henry (ed): *Papers of Archibald D. Murphey* (In Press).

Assembly for the establishment of public schools; but we can lay no such unction to our souls nor ease our minds by thus shifting to the shoulders of an unpopular potentate the blame for lack of educational facilities fifty years after the Declaration of Independence. In 1826, the semi-centennial year of independence, a governor of North Carolina in his annual message to the Legislature, told the lawmakers of the State that many enlightened persons believed that it was more difficult to obtain a primary education in North Carolina at that time than it was in 1776.¹

There has come down to us a description of educational conditions in Edgecombe, a typical eastern county, and in Caswell, a typical western county, in 1810, and these two counties may safely be taken as typical of the State. The former description was written by Dr. Jeremiah Battle, a prominent physician of Edgecombe, the latter by Bartlett Yancey, one of the most distinguished men the State has produced.² Both made a careful study of all the data available before preparing their articles which we may, accordingly, accept as accurate and reliable.

Dr. Battle declares that a thirst for knowledge had never distinguished the people of Edgecombe, a statement easily enough accepted for it is coupled with another statement that out of a total white population of about eight thousand, only 108 persons could be found who subscribed to a newspaper. For fifty

1. Gov. Burton to the General Assembly. Coon, Charles L., (ed): Public Education in North Carolina, 1790-1840, Vol. I., 294.

2. Ibid. I., 64-72.

years the county had boasted of but two schools, and before the opening of the University in 1795 "no children were sent out of the county to any college or academy." In 1810 there were seventeen schools in the county but none of them attempted to teach anything beyond the elements of reading, writing and arithmetic, and but few of the teachers were competent to teach these. Dr. Battle laments the general indifference to education prevalent among the people. How general this indifference was is evident from the fact that not more than two-thirds of the people could read, and that not above one-half the men and one-third the women could write their names. It is no wonder, therefore, that Dr. Battle was compelled to confess that "the county has never been prolific in men of talents, or they have been obscured for want of opportunities of education."

Bartlett Yancey sets for himself the task of describing the "progress of society and civilization" in Caswell county, which, he observes, is dependent upon "the education and virtue of the people." This progress, he declares, was greater in the decade from 1800 to 1810 than during the fifty years preceding. It is interesting to note the facts from which he draws his conclusions. In 1800 not more than one-half the people could "read, write and cypher as far as the rule of three," and in 1810 "many of the inferior class of society appear more depraved than ever." At that time but one academy was in operation in the county, and since 1805 the number of students enrolled in that one had decreased from sixty-five to thirty-eight. It is true another academy had until recently been in existence, but for the last five years it had been "on a decline," and in July, 1810,

"some vile incendiary put fire to it for the purpose of consuming it," which purpose was very effectually accomplished. Yancey reluctantly admits that Caswell county had never been distinguished for its great men but declares that it could point to a large number "entitled to the rank of mediocrity, and some above it," and he finds much satisfaction in the fact that these were all natives for he proudly tells us "we have no spreeing Irishmen, revolutionizing Frenchmen, or speculating Scotchmen among us."

Passing now from these two counties to the State as a whole, we find that conditions were the same everywhere. In 1810 a writer in the *Raleigh Star* could enumerate only twenty academies and grammar schools in the State, while the University, after fifteen years of precarious existence, "deserted and frowned upon by the Legislature," could muster only sixty-five students.¹ Six years later Archibald D. Murphey declared that the elementary education of children in North Carolina was left in a large measure to chance, and that thousands were accordingly growing up in total ignorance of their religious and moral duties.² John M. Walker, a member of the General Assembly, warned the Legislature of 1817 not to be "tantalized by the deceptive appearance of progressive education in our State," for while each county was vying with the others in erecting academies, the great mass of the people were destitute of schools. "It is a melancholy fact," he declares, "that our schools are lessening in their number and useful-

1. Ibid. I., 73.

2. Report of 1816. Coon: Pub. Ed. in N. C., I. 105-111; Hoyt: Papers of Archibald D. Murphey.

ness.”¹ In 1829 Joseph Caldwell, president of the University, declared that North Carolina was three centuries behind the other States in the education of her children, and that a great many people actually boasted of their ignorance of letters.² Nine years later the Chairman of the Committee on Education in the State senate said in his report that “in the homes of thousands now in North Carolina are to be found children of all ages from infancy to manhood, who are in the most perfect state of ignorance and vice and who have never been and perhaps never may be able to read the first sentence in the Bible. . . . Those who have mixed much with the people of our State, know that there is an average of nearly one-half in every family of the State who have received no education and who are as yet unprovided with the means of learning even to read and write.”³

After hearing these statements of men in positions to know the facts you will not be surprised to learn that a careful estimate, made in 1838, placed the number of illiterate children in the State between five and fifteen years of age, at 120,000;⁴ and that the United States Census of 1840 revealed to the world the humiliating fact that, after more than sixty years of independence, one-third of the adult white population of North Carolina could neither read nor write.

Were I to bring this survey of educational condi-

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1. Report of 1817. Coon: Pub. Ed. in N. C., I., 147-64.
 2. Coon: Pub. Ed. in N. C., I., 434.
 3. William W. Cherry's report. Coon: Pub. Ed. in N. C., II., 857-65.
 4. By Rev. A. J. Leavenworth, of Charlotte. Coon: Pub. Ed. in N. C., II., 813.

tions in North Carolina to a close at this point, I should leave the most important part of my story untold, be guilty of neglecting my duty to you, and do a grave injustice to the State which we all love. I would not have you suppose that during all these years no statesman could be found in North Carolina with the wisdom, the courage and the patriotism to protest against these conditions. Indeed, no great movement in all our history, not even the epochal period of Revolution which changed the currents of the political life of the State, nor the epic period of Civil War which struck deep down under the roots of her social life, brought to the forefront a group of statesmen of greater abilities, of more farseeing vision, of more determined purpose, or of more splendid patriotism than did the movement for the educational uplift of the people of this State which resulted in the organization here in North Carolina of the first complete public school system in the South. In this group are to be found every governor from 1802 to 1840, save one, besides Archibald D. Murphey, Bartlett Yancey, Joseph Caldwell and numerous others only less famous. The splendid victory which these men won can not be properly appreciated unless we get some idea of the obstacles against which they had to struggle. Besides the general ignorance of the people, which I have already sufficiently discussed, there may be mentioned two very serious obstacles. First, the low educational ideals of the time; second, the indifference of the Legislature.

There is perhaps no better standard by which to judge a people's educational ideals than the estimate in which they hold the teacher and the teaching profession. In the following graphic description of the

qualifications demanded in 1832 of a school teacher, Joseph Caldwell gives us a vivid impression of the educational ideals prevalent at that time. Says he:

“In our present mode of popular education, we act upon the principle that school-keeping is a business to which scarcely any one but an idiot is incompetent, if he only knows reading, writing and arithmetic. . . . Is a man constitutionally and habitually indolent, a burden upon all from whom he can extract a support? Then there is one way of shaking him off, let us make him a schoolmaster. . . . Has any man wasted all his property, or ended in debt by indiscretion and misconduct? The business of school keeping stands wide open for his reception, and here he sinks to the bottom, for want of capacity to support himself. Has any one ruined himself, and done all he could to corrupt others, by dissipation, drinking, seduction, and a course of irregularities? Nay, has he returned from a prison after an ignominious atonement for some violation of the laws? He is destitute of character and can not be trusted, but presently he opens a school and the children are seen flocking to it, for if he is willing to act in that capacity, we shall all admit that as he can read and write, and cypher to the square root, he will make an excellent schoolmaster. . . . Is it strange that in the eyes of thousands, when education is spoken of, you can read a most distinct expression that it is a poor and valueless thing? . . . Let any profession be wholly consigned to occupants so wretchedly destitute of every qualification in skill and principle, let it be known to the people only in such defective and degrading forms, and how can it be otherwise than

contemptible, and all that is connected with it of little or no worth?"¹

Such, indeed, seems to have been the opinion of the General Assembly of North Carolina. Although the Constitution contained a requirement that "a school or schools shall be established by the Legislature, for the convenient instruction of youth, with such salaries to the masters, paid by the public, as may enable them to instruct at low prices," although governor after governor urged the Legislature to obey this command, although numerous bills with this object in view were supported in the General Assembly by powerful argument and eloquence, nevertheless, for more than half a century, in spite of constitutional obligations, in spite of urgent appeals from a dozen governors, in spite of the cogent logic of senators and representatives of the people, the General Assembly turned a deaf ear to every proposition designed to bring the means of education within reach of the masses.

Many of the governors strongly reproached the Legislature for its indifference to the subject. In 1822 Governor Holmes said: "Our Constitution has made it your duty to encourage and promote every kind of useful learning. Its wise and patriotic framers, . . . ordained it to be their own duty and the duty of their sons, . . . to diffuse learning among the people. . . . I fear, gentlemen, if those venerable fathers were to rise from their tombs, they would reproach us with supineness and neglect."² Two years later he apologized for again referring to the subject,

1. Coon: Pub. Ed. in N. C. II, 860.

2. Ibid, I., 193-94.

saying: "I have harped on it so often (and as often, I presume, have my predecessors) that I now touch the chord with almost hopeless expectations and frigid indifference."¹ In 1835, Governor Swain, in his last message, took a parting shot at the Legislature by declaring that the history of that body for fifty years would exhibit to posterity little more than the annual imposition of taxes, one-half of which was spent on the Legislature itself, and the other half on the train of officers who superintended the machinery of government. "The establishment of schools for the convenient instruction of youth, and the development and improvement of our internal resources . . . he said, "will seem scarcely to have been regarded as proper objects of legislative concern."²

Were these strictures of the executive department on the legislative department just? From 1790 to 1802 not a single measure relating to public education was considered by the Legislature. In 1802 a plan for establishing a State Military School was rejected.³ In 1803 two bills for the establishment of public academies were killed.⁴ During the next eleven years the subject of education was not even considered at all by the Legislature. It was not until 1815 that committees on education were appointed in the two houses.⁵ The next year Archibald D. Mur-

1. Ibid, I., 217.

2. Ibid, II., 712-14.

3. Ibid, I., 32-41.

4. Ibid, I., 44-47.

5. It was a joint "Committee on Seminaries of Learning," composed of Frederick Nash, of Orange, and Simmons J. Baker, of Martin, from the House, and James McKay, of Bladen, from the Senate. House and Senate Journals of 1815.

phey, chairman of the Senate Committee on Education, submitted a report on the subject, but the only action taken was the appointment of a second committee "to digest a system of public instruction" to be submitted to the next Legislature. In 1817 came Murphey's famous plan for a system of public schools, and at the same session the plan of John M. Walker for the training of teachers; but both were thrust aside without consideration. From 1817 to 1825 numerous bills for providing for the establishment of schools were introduced and promptly buried in the dark pigeon-holes in the archives of the Legislature.¹

The first substantial victory for education was won in 1825, when Charles A. Hill, of Franklin county, introduced and secured the passage of a bill to set aside certain funds of the State as a permanent school fund, to be called the Literary Fund, the proceeds of which were to be used for the maintenance of public schools. This fund was to be managed by a board composed of the governor, the speakers of the two houses of the General Assembly, the State treasurer and the chief justice, who were officially known as "The President and Directors of the Literary Fund," but were popularly called the Literary Board.² After the passage of this bill the Legislature rested from its labors, and ten unfruitful years followed, during which the proceeds of the Literary Fund, instead of being used for schools were taken

1. These reports, bills and committees are all published in Coon: Public Education in North Carolina, 1790-1840.

2. Coon: Pub. Ed. in N. C., I., 279-82.

by the Legislature for other purposes.¹ In 1836 Congress distributed to the States the surplus revenues in the United States treasury, a large sum of which North Carolina received, nearly \$1,500,000. Something more than \$1,000,000 of this sum was turned over to the Literary Board, and the Literary Fund, now amounting to more than \$2,000,000 was at last large enough to yield a fair income for schools. In 1839, therefore, the Legislature passed an act dividing the counties into school districts and providing for holding an election in each district on the question of "schools" or "no schools."² The friends of schools immediately began an active campaign which resulted in a victory in all but seven counties.³

"Thus," as Mr. Charles L. Coon has so forcibly said, "the long agitation was ended. In some form or other North Carolina has maintained public schools during all the time since 1840, except a few years immediately following the Civil War. . . . While the school law of 1839 was not a satisfactory measure, it marked the beginning of a new era. Individualism was now gradually to give way to community spirit; selfishness and intolerance which desired only to be undisturbed must now needs give place to measures devoted to the welfare and uplift of all the people; hatred of taxation for schools must now begin to disappear before the dawning of that wiser policy that no taxation is oppressive which is

1. Extracts from the Minutes and Reports of the Literary Board are printed in Coon, Pub. Ed. in N. C., I., 345 et seq.

2. For proceedings of the General Assembly on this measure see Coon: Pub. Ed. in N. C., II., 818 et seq.

3. Coon: Pub. Ed. in N. C., II., 910-12.

used for giving equal educational opportunities to all."¹

Closely allied with the educational problem of this period, was the problem of internal improvements. The opponents of public schools argued with great effect that the population of the State was too sparse and her wealth too small to support successfully a system of public schools. There was, of course, much force in this argument, but the advocates of schools met it very effectually by replying that it was this very policy that had kept the population sparse by discouraging immigration and by forcing thousands of native North Carolinians to seek in other regions opportunities denied them at home; that it had kept the State poor by checking improvements in agriculture, by prohibiting the establishment of manufactures, and by preventing the development of commerce. Thus these two questions, schools and internal improvements, were intimately linked together in the legislative program of the progressive men of that epoch who saw clearly enough that they would fall or triumph together.

The problem of internal improvements was largely a problem of transportation. It was useless for farmers to produce more than they needed for their own consumption unless they could transport their surplus to market. It was impracticable to establish manufacturing enterprises unless the products of the factory could be distributed to the consumers. It was impossible to develop commerce without facilities for trade. Thus the whole question settled itself

1. Pub. Ed. in N. C., Editor's Introduction I., XLVI.

into a question of transportation, and at that day but two means of transportation were known—by wagons over public roads and by water.

To carry on any considerable commerce over the public roads of that day was an impossibility. No improvement in road-building, or in the up-keep of roads had been made since colonial times, and the public roads of 1840 were as primitive as those of 1740. During the winter season as a rule they were impassable for heavily loaded vehicles, and at all times transportation over them was difficult, dangerous and expensive. The immense distances to be covered, the difficulties of construction through vast stretches of wilderness, the sparsity of population along their routes, made the expense of surveying, constructing and up-keeping of roads heavier than the average community could bear, and the only possible hope for the building of a system of public highways at all adequate was through the agency of the State.

The same question of expense confronted the State in the working out of an adequate system of water transportation. There are but four rivers in North Carolina capable of any considerable navigation—the Roanoke, the Tar, the Neuse, and the Cape Fear. Of these only the Cape Fear flows directly into the ocean, and at the mouth of that river the inlet was too shallow to admit any but the smallest sea-going vessels. The inlets through which passage from the ocean could be made to the other rivers, could become important for trade only in connection with artificial waterways. The other rivers of the State were so shallow and rapid that their usefulness for

purposes of navigation was very limited. Water transportation could be provided for western North Carolina, therefore, only through a system of canals. But to keep open the inlets of the east, to construct and maintain a system of canals for the west, to widen and deepen the channels of the rivers of both sections, were immensely expensive tasks, far beyond the ability of individuals, or even of private corporations, and if such a system were ever to be constructed for North Carolina, it was evident to all that it must be done by the State.

The friends of internal improvements, therefore, looked to the State for the construction of turnpikes, the digging of canals, the deepening of rivers and harbors, and the opening of inlets, and they urged the Legislature to make appropriations for these purposes. In 1791 Governor Martin said: "The internal navigation of the State still requires Legislative assistance, our sister States are emulous with each other in opening their rivers and cutting canals, while attempts of this kind are but feebly aided among us."¹ In 1806 Governor Alexander declared: "The natural situation of the State being unfavorable to commerce, it is of the greatest importance that liberal provision should be made for the internal improvements, particularly for the establishment of good public roads, and the extension of our inland navigation."² Other governors made similar recommendations which were disregarded; friends of internal improvements presented memorials and petitions which were unheeded; senators and representatives

1. Journal of House of Commons, 1791-92, 4.

2. House Journal of 1806, 5.

introduced bills which were promptly rejected, and the history of the agitation for schools was re-enacted. Public roads remained impassable, canals uncut, rivers unnavigable, and inlets unopened. The waters of our streams continued to flow on to the sea unhampered by mills and factories, agriculture remained at a standstill, commerce languished, and our towns remained villages while the tide of emigration flowed steadily from North Carolina into the vast unoccupied regions of the new Northwest and the new Southwest.

Perhaps there are among you some who think my picture too sombre. In 1815 a committee of the State Senate declared in its report that "agriculture is at a standstill, . . . and whilst the people, whom we have sent to work the soil of other states and territories have raised the price of their lands from two to fourfold, the price of ours has remained stationary."¹ Fifteen years passed, and conditions seem to have become steadily worse. Remonstrating with the Legislature for its indifference to schools and internal improvements, Governor Owen, in 1830, declared that it was time "to raise a protesting voice against a species of economy which has so long kept the poor in ignorance and the State in poverty."² In 1835, Governor Swain called attention to the fact that "there is not a single work of internal improvement in progress, and no fund that deserves the name provided for the future development of our resources," and declared that "it ceases to be a matter of surprise that even our younger sisters . . . should

1. Senate Journal of 1815, 22.

2. Pub. Ed. in N. C., I., 459.

outstrip us in the generous contest for physical and intellectual improvement.”¹ The next year the citizens of Fayetteville, in a memorial to the Legislature, said “they have year after year witnessed with pain and mortification the depressed condition which each section of our State presents, when compared with that of her sisters of our happy Union, that while happiness, contentment and prosperity are manifest throughout their borders discontent, decay and ruin are strongly delineated within our own.”² Governor Dudley said in his inaugural address before the Legislature, January 1, 1837: “As a State, we stand fifth in population, first in climate, equal in soils, minerals and ores, with superior advantages for manufacturing and with a hardy, industrious and economical people. Yet, with such unequalled natural facilities, we are actually least in the scale of relative wealth and enterprise, and our condition daily becomes worse—lands depressed in price, fallow and deserted—manufacturing advantages unimproved—our stores of mineral wealth undisturbed, and our colleges and schools languishing from neglect.”³

There is ample evidence that these comments on conditions in the State were not the pessimistic lamentations of men disappointed in their favorite schemes for the salvation of the race.

A traveller from Weldon to Raleigh, as late as 1853, records the following experience: “The road was as bad as anything, under the name of a road,

1. Ibid, I., 713.

2. Ibid, I., 795.

3. Ibid, I. 803.

can be conceived to be. Whenever the adjoining swamps, fallen trees, stumps, and plantation fences would admit of it, the coach was driven, with a great deal of dexterity, out of the road. When the wheels sunk in the mud, below the hubs, we were sometimes requested to get out and walk. An upset seemed every moment inevitable. At length, it came," to the great peril of the limbs and necks of the passengers.¹ In 1842, Governor Morehead, in his message to the Legislature, declared: "From personal observations, I have found the roads leading from Raleigh westward . . . decidedly the worst in the State"; and he further asserted that the cost to the farmer of transporting his cotton, corn and wheat over these roads was so great "that it takes one half [the crop] to transport the other to market."² This observation is borne out by the traveller whom I have already quoted, who records that a farmer near Raleigh told him that "no money was to be got by raising corn, and very few farmers here 'made' any more than they needed for their own force," because, "it cost too much to get it to market."³ It is not surprising that under these conditions the State was rapidly being drained of her most enterprising citizens. In 1815 a committee of the State Senate estimated that during the preceding twenty-five years more than 200,000 people had moved from North Carolina into Tennessee, Ohio and Alabama, declaring that "it is mortifying to witness the fact that thousands of our wealthy

1. Olmstead, Frederick Law: *A Journey in the Seaboard Slave States*, 1853-1854, I. 348.

2. House Journal of 1842, 409.

3. Olmstead: I., 358.

and respectable citizens are annually moving to the West in quest of that wealth which a rich soil and commodious navigation never fail to create in a free State; and that thousands of our poorer citizens follow them, being literally driven away by the prospect of poverty."¹) Twenty years later and the flow of population from the State had not abated. "The tide of emigration," wrote Governor Swain, in 1835, "continues to flow in a copious and steady current to the new States and Territories of the West."² Guess work, do you call it? Unfortunately the observations of these men are too well borne out by evidence that cannot be impeached. The United States Census of 1840 showed that the population of North Carolina was stationary. From 1830 to 1840 thirty-two of the sixty-eight counties in the State lost in population, while the increase in the State as a whole was less than 2.5 per cent. There is no question as to what had become of her people. The Census of 1850 showed that one-third of all the natives of North Carolina then residing in the United States were living in other states than North Carolina; that is to say, North Carolina's indifference to education, neglect of her resources, hatred of taxation, and general backwardness in the race for intelligence and wealth, had driven from her borders more than 400,000 of her strongest, most vigorous sons and daughters who had gone to build up the great states of the Middlewest and of the Southwest.

The explanation of the backwardness of North Carolina during this first half-century of her career

1. Senate Journal, 22.

2. House Journal, 99.

as an independent State is to be found chiefly in the political conditions of that period. North Carolina entered upon her career of independence handicapped by a Constitution that placed in control of her destinies the least progressive section of the State and the most conservative element of her population. So long as all her energies were consumed with the struggle for independence no efforts could be made to develop the resources of the State; but as soon as independence was secured, a stable government organized, and peace assured, progressive men, as we have seen, began to bring forward schemes for the material, intellectual and social development of the State, when to their consternation they found themselves blocked in every particular by the undemocratic features of the Constitution. To understand the difficulties they had to encounter and overcome it is essential that we should understand some of these undemocratic features of the government.

The government established under the Constitution of 1776 while a representative democracy in form was an oligarchy in fact and in practice. In fixing the basis of representation in the General Assembly, the Constitution paid no attention to population, that fundamental principle in all democracies, but gave every county, regardless of its size, wealth, or population, two members of the House of Commons and one member of the State Senate. In 1790, for instance, Brunswick county with only 3,000 people sent the same number of representatives to the Legislature, had the same voice in making the laws of the State, and cast the same vote for governor and other State officials as Rowan county which had five times as many people. Even more undemo-

cratic than this were the limitations placed on suffrage and office-holding. No man could vote for a State senator unless he owned as much as fifty acres of land; or be a member of the House of Commons unless he owned as much as one hundred acres, or of the State Senate unless he owned as much as three hundred acres; and no person could be governor unless he owned land worth above £1000—a sum equal to ten times that amount in our own day. Moreover the people had no voice in the selection of their State officials. The governor, the councillors of State, and other executive officials, and the judges were all chosen by the General Assembly. Thus only landowners could vote for the highest officers of the State, only landowners could participate in making laws, only landowners could hold the great executive offices. The government was absolutely under control of a small majority of the people, composed of the landed, slave-holding aristocracy of the East.

Undemocratic as this government was in form it was even more so in spirit. Inasmuch as all State officials were elected by the Legislature, and the Legislature was controlled by the landed aristocracy, property not men controlled the government. The two most important kinds of property in the State at that time were land and slaves. The class which owned this property was ultra conservative. Living on their large plantations, supported by the labor of their slaves, satisfied with their easy, patriarchal existence, these aristocratic planters assumed a patronizing attitude toward the great mass of those whom they were pleased to call the "common people," encouraged these "common people" to depend upon their bounty for everything above the absolute neces-

sities of life, and strenuously opposed granting to them more political power, or lending the assistance of the State to the improvement of their material, intellectual and social conditions. The planter was amply able to employ governesses and private tutors for his own children, to send his own sons to the State University, and he could see no good reason why he should be required to pay taxes to educate the children of his poorer neighbors. The stronghold of the planter was in the East. There cotton was king, and so long as the broad deep rivers of that section afforded this tyrant an outlet to the markets of the world, he concerned himself but little with the welfare of the rest of the State. The planters of that section saw no good reason why they, blessed with superior natural advantages for trade, should burden themselves with the expense of building roads and digging canals that would bring the produce of other sections into competition with their own.

Schools and internal improvements were simply euphemisms for taxation. Taxation was an evil. Therefore schools and internal improvements were evils and must be avoided. So ran the planter's logic, and so long as he and his class retained control of the State government this logic was rigidly applied to public affairs. In 1790 the total annual expenditures of the State government were only \$41,000, and fifty years later they had not more than doubled. Thus schools and internal improvements were sacrificed to the planter's hatred of taxation, while the people remained ignorant and poor.

In the western part of the State, conditions were very different. The great body of the people of that section were small farmers, who for the most part

tilled the soil themselves unaided by slave labor. Cotton played a comparatively insignificant part in their economic system. Their rivers and streams were shallow, narrow and rapid, better fitted for manufacturing than for navigation. But successful manufacturing enterprises were out of the question so long as there were no facilities for transporting manufactured products to market. The building of good roads, the construction of public turnpikes, the digging of canals, and, a few years later, the construction of railroads, therefore, became important features of the policy of that section. But when the West attempted to carry that policy into execution it found itself blocked by the interests of the East. For reasons, too, which I pointed out two years ago in my lecture on the Scotch-Irish, the social life of the West was more democratic than that of the East. Out of this democratic social system arose the first demand for a system of public schools in North Carolina. But here again the West found itself thwarted by the East which held secure in its own hands the reigns of government. The West accordingly came to the conclusion that before it could carry out its program of internal improvements and public schools, it must first wage and win a contest for political reform.

When the western leaders came to study political conditions they developed a rather remarkable situation. In 1776, when the Constitution was adopted, the East contained a majority both of the counties and of the population of the State. Consequently the inconsistency of the provision relative to representation in the General Assembly was not clearly understood. But after the Revolution the West grew

much more rapidly in population than the East. In 1790, when the first Federal Census was taken, 62 per cent. of the people of North Carolina lived east of the western boundary of Wake county; fifty years later only 49.5 per cent. lived east of that line. In other words while the population of the East had increased only 53 per cent. during this half-century, that of the West had increased 156 per cent. The West naturally expected that as the center of population moved westward, and the vast unoccupied areas of that section filled up with people, new counties, each entitled to three members of the Legislature, would be created for their convenience; and that the West would ultimately, as it was entitled to do, gain control of the State government. But the East saw the danger to its supremacy and prepared to combat it by preventing as far as possible the erection of new counties in the West.

Frequently in order to win success, the West resorted to the expedient of selecting for proposed new counties the names of popular eastern leaders in the hope of securing the support of their friends and admirers in that section. Thus Ashe county was named in honor of Samuel Ashe of New Hanover, Buncombe in honor of Colonel Edward Buncombe of Tyrrell, Cabarrus in honor of Stephen Cabarrus of Chowan, Haywood in honor of John Haywood of Edgecombe, Iredell in honor of James Iredell of Chowan and Macon in honor of Nathaniel Macon of Warren. When finally forced to establish new counties in the West, the East undertook to off-set them by the creation of new counties in the East and thus to continue its hold on the government. For instance, in 1777 Burke county was given to the West,

but off-set by Camden in the East; in 1779 Lincoln was given to the West, but off-set by Jones in the East; in 1791 Buncombe was given to the West, but off-set by Lenior in the East; in 1799, Ashe was given to the West, but off-set by Greene in the East; and in 1808 Haywood was given to the West, but off-set by Columbus in the East. Sometimes when it was impossible to prevent the creation of a new western county at a time when the East had no new county ready, a movement was immediately started in the East which resulted in the erection of a new eastern county within the next two or three years. Thus Rockingham created for the West in 1785 was off-set by Robeson in the East in 1786.

The result was that while the population of the West soon came to out-number that of the East, yet the East retained its control of the State government. In 1830, for instance, there were sixty-four counties in the State. Thirty-six of these were east of Raleigh. These thirty-six contained only forty-one per cent. of the voting population of the State, yet they sent to the General Assembly fifty-eight per cent. of its members. By reason of the property qualifications for suffrage which the Constitution imposed, the voting population of these eastern counties was only 8.7 per cent. of the total white population of the State; nevertheless this 8.7 per cent. elected a majority of the members of the Legislature by whom the laws were enacted, the governor and other State officials were chosen, and they controlled the State government in all its branches. How fully this control was exercised a few illustrations will show. Fifty-nine years elapsed from the inauguration of Richard Caswell in 1777, the first governor

under the Constitution of 1776, to the retirement of Richard Dobbs Spaight, in 1836, the last governor lected under that Constitution. During these fifty-nine years there were twenty-four governors elected; six of this number were from western counties and served a total of fifteen years, eighteen were from eastern counties and served a total of forty-four years. There were elected during this period 428 councillors of State; of these, there were twenty-four whose residences I have not yet ben able to ascertain. Of the other 404 there were 124 western men, and 280 eastern men. Of the thirty-five other State officials chosen by the Legislature during this period, ten came from the West, twenty-five from the East. In the two Houses of the General Assembly itself there were eighteen different speakers of the Senate, of whom six were western, and twelve eastern men; there were thirty-two speakers of the House of Commons, of whom twelve were western, twenty eastern men. From 1789 to 1836 the Legislature elected thirteen United States Senators, five from the West, eight from the East.¹

The West, therefore, finding both its material interest and its political destiny involved in the triumph of democratic ideals, early began an agitation for amendments to the Constitution so as to make population the basis of representation in the General Assembly, to give to the people directly the election of their governor, and in other respects to make the government democratic in spirit and in practice as well as in form. A long and bitter struggle followed,

1. Connor, R. D. W. (ed): North Carolina Manual, 1913, 417-1022.

lasting the better part of a half-century, before the West achieved its victory. In 1834 the Legislature, no longer able to resist the tremendous pressure of an aroused public opinion, passed an Act submitting to a vote of the people the question of calling a Convention to amend the Constitution. The election resulted in a victory for the Convention which met in Raleigh June 4, 1835. No abler body of men ever assembled in North Carolina, nor did any body of men in this State ever have graver or more important problems to discuss and solve. As a rule they were in sympathy with the progressive program of the West, and they adopted amendments to the Constitution which went a long way toward making the State government a real democracy. The most important of these amendments made population the basis of representation in the House of Commons, and property the basis of representation in the Senate, and took the election of governor away from the Legislature and gave it to the people.

The influence of these changes on the political, industrial and educational life of the State can not be easily overestimated. They ushered in an era of progress that within the next quarter-century raised North Carolina from the lowest to the highest rank among the slave-holding states of the South in all those things that make for the material, intellectual and social uplift of the people. To this era belong the erection of the present State Capitol, the building of the North Carolina Railroad, the Atlantic and North Carolina Railroad, the beginning of the Western North Carolina Railroad, the organization of the North Carolina Agricultural Society, the erection of the first hospital for the insane, the founding of the

State School for the Deaf and Dumb and the Blind, the establishment of a system of public schools, the expansion of the University from a local high school with ninety students into a real college whose five hundred students represented every state from the Potomac to the Gulf of Mexico, and many other progressive measures that lie at the very foundation of the present prosperity, honor and glory of the State.¹

In the four lectures by which this one is to be followed it is my purpose to present to you the careers of the men who were chiefly responsible for these wonderful changes in the policy of North Carolina; to discuss the statesmanship of Archibald D. Murphey, leader of the long agitation for schools and internal improvements; of David L. Swain, to whose tact and wisdom the West chiefly owed its victory of 1835; of Calvin H. Wiley, whose skill as an organizer made the public school law of 1839 effective; and of John M. Morehead, the architect and builder of the great transportation systems upon which the prosperity of the State at this day is dependent, and will be dependent for all time to come. This is a group of constructive statesmen whose statesmanship is an instructive subject for study, whose achievements lie at the foundations of our social and economic life of today, and whose characters are an honor to our Commonwealth.

1. For historical sketches of the State Capitol, the railroads mentioned, and the State's charitable and educational institutions see North Carolina Manual, 1913, 127-189.

II

Archibald DeBow Murphey¹

It was the misfortune of Archibald D. Murphey, to whose career I now invite your attention, to have been sent into the world a hundred years before his time. His policies rejected by the nineteenth century have been accepted by the twentieth, and his dreams of 1814 have become the realities of 1914. He is to be ranked, therefore, not so much as one of the great builders of the State, but rather as the chief among her prophets. His was the voice of one crying in the wilderness showing his people the way to a material prosperity, an intellectual awakening, and a moral greatness which he discerned with unclouded vision, but was himself destined never to see. His was the task of enlightening his people as to their wonderful opportunities, of arousing them from the lethargy of their indifference and self-depreciation, of inspiring them with confidence in themselves and in their country, of awakening their pride and kindling the fires of their ambition. To the accomplishment of this task, it is no exaggeration to

1. See also Graham, W. A.: *Memoir of Archibald D. Murphey*, U. N. C. Magazine, Vol. III. No. 1; reprinted in *Peele's Lives of Distinguished North Carolinians* and in *Hoyt's Papers of Archibald D. Murphey*; Hoyt, W. Henry: *Archibald D. Murphey*, *Biographical Hist. of N. C.*, Vol. IV. pp. 340-49.

say that he brought a more thorough comprehension of the natural resources of the State, a clearer insight into her possibilities for development, a better understanding of her conditions and needs, a bolder and more philosophic grasp of the policies necessary for her relief, a more abiding confidence in the greatness of her destiny, than any other man of his generation.

Born too late to bear any part in the struggle for independence, or to have a share in the organization of the State government, or to participate in the great work of laying the foundation of the Federal Union, Murphey was just old enough to remember something of those struggles and to know personally some of the eminent patriots who participated in them. Lamenting the fortune which denied him a share in those mighty events, but inspired by his contact with the great men who wrought them, he was fired with an ambition to render service to the State that would give his name a place in history along with those of Harvey and Harnett, of Caswell and Davie, of Johnston and Iredell, and their contemporaries of the preceding generation. The work of organization had been completed when Murphey reached manhood, but the work of development was yet to be done, and in this he saw the field in which he could serve the State and gratify his ambitions.

The simple facts of Murphey's life need not detain us long. He was born in Caswell county in 1777, was prepared for college at David Caldwell's famous academy in Guilford county, entered the University of North Carolina in 1796, and was graduated with the highest distinction in 1799. The next two years he served as a member of the faculty of the Univer-

sity. In 1802 he was admitted to the bar, settled at Hillsboro, and rose rapidly to a position of leadership. Among his rivals at the bar were Thomas Ruffin and Frederick Nash, later chief justices of North Carolina; Willie P. Mangum and George E. Badger, distinguished colleagues of Clay, Calhoun and Webster in the Senate of the United States; John M. Morehead, afterwards governor of North Carolina; Francis L. Hawks, in later years renowned as the most eloquent orator of his day in the American pulpit, and others no less able and scarcely less eminent. From 1812 to 1818, inclusive, Murphey represented Orange county in the State Senate; and in 1818 was elected Judge of the Superior Court. After three years of judicial service he resigned in order to repair his private fortune, once considerable, but now threatened with ruin. Failing in these efforts, overwhelmed with financial obligations, broken in body by illness and in spirit by the harshness of his creditors, he passed the last dozen years of his life in disease and poverty, dying at Hillsboro, February 1, 1832, "his ambitions unrealized, his labors unappreciated."

"In many attributes of a statesman and philosopher," says Governor Graham, "he excelled all his contemporaries in the State, and in every department of exertion to which his mind was applied he had few equals or seconds. As an advocate at the bar, a judge on the bench, . . . a legislator of comprehensive intelligence, enterprise and patriotism, a literary man of classic taste, attainments and style in composition, his fame is a source of just pride to his friends and country." Of Murphey as an advocate, and as a judge, Governor Graham says:

“He had a Quaker-like plainness of aspect, a scrupulous cleanness and neatness in an equally plain attire, an habitual politeness, and a subdued simplicity of manner which at once won his way to the hearts of juries, while no Greek dialectician had a more ready and refined ingenuity or was more fertile in every resource of forensic gladiatorship. His manner of speech was never declamatory or in any sense boisterous, but in the style of earnest and emphatic conversation; so simple and apparently undesigning that he seemed to the jury to be but interpreting their thoughts rather than enunciating his own, yet with a correctness and elegance of diction which no severity of criticism could improve. . . . In his office as a judge he well sustained his reputation for learning and ability which had been so well established at the bar, and attracted the admiration of the profession and the people by the courtesy, patience, dignity and justice, which characterized his administration of the law.”

The same qualities of mind, the same manner of dealing with men that distinguished Murphey as an advocate and as a judge distinguished him also as a legislator. He brought to his duties as a legislator the same remarkable powers of elucidation, the same persuasive manner of speaking, the same courtesy, patience and fairness in his intercourse with his associates in the halls of legislation that marked him at the bar and on the bench.

It is with Murphey's career as a legislator that we are chiefly concerned. This career embraced six consecutive terms in the State Senate from 1812 to 1818. His first political utterance, an open letter addressed to the foreman of the Grand Jury of Orange County

in 1812 announcing his candidacy, is not without significance. Says he:

"I have no peculiar claims to the public favour above others, either upon the score of talents, moral worth or public services. . . . If violence of party spirit be a recommendation, as many seem to think, I have nothing to offer upon this score. Having long since become convinced of the evil consequences flowing from party dissention, it has been my endeavour, as far as my little influence extended, to conciliate rather than irritate parties; to think and speak charitably of public as well as private characters, believing that an enlarged charity is as much a virtue in a politician as in a Christian. Hence I have not been in the habit of attributing to either political party, exclusive virtue or exclusive patriotism; of believing one was always right and the other always wrong. . . . To surrender our judgment in political matters . . . (is) an act unworthy of the high prerogative of a freeman, . . . and although I have always belonged to the Republican party, if elected to a seat in the Senate, I shall endeavour to serve the country and not a party."¹

These phrases sounded good as campaign material, but they are not the significant things about this letter. The significant features of the letter can not be quoted because they were the omissions, not the statements included. Although Murphey fully states his attitude toward the national issues then agitating the country, with which as a State legislator he would have nothing to do; and al-

1. Hoyt: Papers of Archibald D. Murphey. Hereafter cited simply Hoyt. References to volume and page cannot be given because the work is still in press.

though he was soon to conceive and formulate the most comprehensive program of state policies ever proposed by any individual in our history, nevertheless in this his political salutatory, he did not so much as pay the respect of a passing reference to State policies. The truth is there was no such thing as a State policy in North Carolina until Murphey entered public life and focused public attention upon his program of internal improvements and public education; and it is this program that gives him his distinctive place in our history and justifies Governor Graham's emphatic statement that "he inaugurated a new era in the public policy of the State."

Murphey's public career began at the opening of our second war with England and just before the general world-peace that followed the battle of Waterloo and the overthrow of Napoleon. For the first time in more than a generation the nations of the world paused in their career of war to enjoy a breathing spell of peace, to take an inventory of their conditions, and to apply to the works of construction some of that energy and ability which they had been so long devoting to the works of destruction. Throughout Europe and America there followed an outburst of industrial activity which resulted, during the next half-century, in "a greater advance in all the useful arts and diffusion of the comforts of life among mankind than in any five preceding centuries." The enthusiasm which the unexpected success of American arms in the war against England had aroused in this country, as Murphey wrote, "gave admittance to liberal ideas," and several of the states promptly took advantage of the op-

portunity to initiate systems of internal improvements and general industrial activities. Fully appreciating the conditions throughout the world and eager that North Carolina should share in the general forward movement incident to universal peace, Murphey, as Governor Graham says, "applied all the energies of his intrepid and well furnished mind to the task of devising how his native State should most profit in this universal calm, confer the greatest good on the greatest number of her people, and resume her proper rank in the Union of which she was a member."

As a member of the State Senate he conceived those policies and made those wonderful reports that entitle him to first place among the North Carolina statesmen of his generation. Says Governor Graham: "He inaugurated a new era in the public policy of the State and for many years exerted a greater influence in her counsels than any other citizen. . . . Whether these [his] measures failed from error in their conception or timidity in his contemporaries to meet and boldly sustain them, the historian must pronounce that his reports and other writings in regard to them are the noblest monuments of philosophic statesmanship to be found in our public archives since the days of the Revolution." There is no exaggeration in this statement, and I am almost tempted to say that they are as true in 1914 as they were in 1860 when they were written. Murphey's policies were set forth with wonderful grasp of his subjects and in marvelous detail, in his several reports as Chairman of the Committee on Inland Navigation in the Senate and as Chairman of the State Board of Internal Improvements; in his Me-

moir of 1819 on Internal Improvements; and in his still more wonderful reports of 1816 and 1817 on education. The mainspring of his statesmanship is to be found in the following sentence from his Report of 1816 on Inland Navigation:

"The true foundations of national prosperity and national glory, must be laid in a liberal system of Internal Improvements and of Public Education; in a system which shall give encouragement to the cultivation of the soil; which shall give force to the faculties of the mind, and establish over the heart the empire of a sound morality."¹

Murphey first brought forward his program of internal improvements as a comprehensive project of State activity in the Legislature of 1815. The Governor in his annual message called attention, though in a brief and timid way, to the importance of the subject, and Murphey, taking advantage of the opening thus offered, promptly offered and secured the adoption of a resolution, "That it is expedient to provide more efficiently for the improvement of the inland navigation of the State; and that it be referred to a joint select committee of both houses to report upon this subject." Murphey was made chairman of the committee. His enthusiasm, his knowledge of the subject, his facility for expressing his ideas in lucid and forceful style, made him easily its master-spirit. The report which he wrote and the committee adopted projected the subject into the political consciousness of the State as a living issue. In this report he declared:

"The time has come when it behooves the Legisla-

1. Hoyt. See also Journals of the Legislature of 1816.

ture of North Carolina to provide efficiently for the improvement of the inland navigation of the State. To delay this provision, is to postpone that national wealth, respectability and importance which follow only in the train of great internal improvements. . . . At this day, . . . no doubt can be entertained as to the great importance of directing both the wealth and attention of the government to objects of internal improvement. It is real economy to expend the public money upon these objects. The blessings of the government are thereby brought home to every man's door—the comforts, the conveniences of life are thereby increased—the public labor is rewarded, and the wealth of the State keeps pace with the wealth of its citizens. It is time for North Carolina to enter upon this career of prosperity—to take effectual steps to develop her territorial resources, and to enlarge them by all means which the science of political economy points out. . . .

“Your committee can see no reason why this great work should be any longer delayed: it is a duty which the members of the Legislature owe to the State, to themselves, their children, and to future generations, to delay it no longer. Upon this subject let party spirit be hushed into silence; and uniting together into one feeling for North Carolina, let us all aspire to the honor of laying the foundations of her glory and her prosperity.”¹

This report was the foundation upon which he afterwards built his program of internal improvements, which during the next half-dozen years he worked out to the minutest detail.

1. Hoyt. Journal of 1815.

Three grand objects he had in view. These were: to stop the flow of population away from North Carolina; to increase the wealth of the State; and to free her from her economic dependence on Virginia and South Carolina.

Writing of the first of these three objects in his report of 1815, he said:

“With an extent of territory sufficient to maintain more than ten millions of inhabitants, . . . we can only boast of a population something less than six hundred thousand; and it is but too obvious that this population, under the present state of things, already approaches its maximum. Within twenty-five years past, more than two hundred thousand of our inhabitants have removed to the waters of the Ohio, Tennessee, and Mobile; and it is mortifying to witness the fact that thousands of our wealthy and respectable citizens are annually moving to the west in quest of that wealth which a rich soil and commodious navigation never fail to create in a free State; and that thousands of our poorer citizens follow them being literally driven away by the prospect of poverty. If we take into view the inducements which those improvements would hold out to our citizens to remain amongst us, we might well calculate, that at the end of twenty years from this time, our population would amount to 1,500,000.”

The accuracy of this calculation is remarkable. In 1850, the first year in which the United States Census Report took note of interstate migrations, thirty-one per cent. of the natives of North Carolina then resident in the United States were living in other states; that is to say, if North Carolina had

been able, as Murphey wished her to do, to retain within her own borders, those of her sons and daughters who had gone to other regions, they with their children, would have given her a population of more than one and a half millions.

Of the increase in the wealth of the State, the second result that he anticipated from his policies, Murphey said:

"It would certainly not be improper to say, that within five years after this improvement shall have been made, the value of all the lands in the State will be doubled, and the productions of our agriculture increased threefold. Taking the value of our land at \$53,506,519, (the amount of the late assessment under the act of Congress), at the end of those five years we might safely estimate the value at \$107,000,000. And taking the annual productions of our agriculture at \$30,000,000, which is certainly below the present amount, at the end of those five years, we might estimate their value at \$90,000,000. In this estimate of national prosperity should also be considered the comforts and conveniences of life which would be brought to the door of each of our citizens, the steady habits of industry which would be established, and the consequent morality which would follow those habits. And not the least of all, we should notice the abundant revenue which would accrue to the State, thereby affording to the Legislature the means, not only of lessening the public burdens, but of providing effectually for the establishment of schools in every section of the State, and of making ample provisions for the cultivation of the sciences and arts."

Murphey was at all times sensitive for the honor,

the dignity and the independence of the State, and he spoke out vigorously on more than one occasion about her loss of prestige since the formation of the Union. "It is a mortifying fact," he declared in a debate in the Senate of 1815, "that North Carolina has no character, no pride as a State. We have hitherto bent the neck to the State of Virginia, and marched at her nod in all our political movements." Of the economic effects of the lack of markets within the State he says: "The annual profits made upon our commerce in other states, and which is totally lost to North Carolina, is estimated at half a million dollars."¹ To free the State from this dependence, both political and economic, was a prime object in Murphey's policy. Referring to the growth of markets within the State, which he expected to follow the development of her trade and agriculture, he said:

"The growth of our commercial towns is of peculiar importance to the character of the State. Whilst we continue to send our products to the markets of other states, we shall be destitute of that independence of character which it should be the pride of our citizens to cherish. One species of independence begets another: and having hitherto been dependent upon Virginia and South Carolina for markets for the greatest part of our produce, we have in some measure become dependent upon those states for our opinions and our prejudices. It is the duty of the Legislature to contribute as far as possible to break the spell that binds us to this dependence, and so to change the political orb of North Carolina that she

1. Hoyt.

shall move as a primary and not a secondary state in the system of the confederacy."

Again, returning to the subject, he argues his point in these telling words:

"Is it not an object to create a commercial city? Does not this concentration of wealth give activity to industry in a thousand forms? Does it not develop the resources of agriculture, perfect the mechanic arts, elicit the faculties of genius and expand the boundaries of science? The State which cannot boast of a great city, ever has been and ever will be held in disrepute; she will never cherish an exalted pride; she will never cherish a generous patriotism. Conscious of inferiority, she will submit to a state of dependence, and suffer the manly virtues to sleep. Thousands of generous souls who could not brook this consciousness of inferiority, have already deserted our soil, and thousands more will follow them, if we seek not to exalt the character of North Carolina."

Prophetic words, these! Words so similar to those which our halls of legislation but recently echoed that we might easily enough imagine them to have been uttered in the General Assembly of 1913, for the failure of North Carolina to execute the plans of Archibald D. Murphey in 1815 left it to the men of our own day to issue that declaration of economic independence of the Virginia cities which we have but recently won.

The leading features of Murphey's program were: first, the improvement of means of transportation in the State; second, the building up of markets within North Carolina by developing commercial centers at advantageous points; and third, the drainage of the

swamps of the East and the reclamation of their lands for agricultural purposes. He proposed to construct a complete system of inland transportation by deepening the inlets and sounds along the coast, by clearing out the channels, building locks and otherwise rendering navigable the principal rivers and their tributaries; by connecting these rivers into three systems by means of canals and good roads; and by building turnpikes into those remote parts of the State which could not be reached by water routes. One system was to be formed by improving the Roanoke and its tributaries and giving them an outlet through Albemarle Sound; another by connecting the Yadkin and Catawba rivers with the Cape Fear with its direct outlet to the ocean; and a third by connecting the waters of the Tar and Neuse rivers, with an outlet through Ocracoke Inlet. These plans, he said, had for their objects: "first, the directing of the whole trade of North Carolina into three channels, each having an outlet in the State, thereby securing the growth of our commercial towns; and secondly, extending the convenience of inland navigation to every part of the State, thereby increasing the value of lands and encouraging industry and enterprise among all classes in the community."¹

It was, as one of Murphey's biographers has said, a "bold, comprehensive, and well-connected scheme of internal improvements, equal in breadth of conception to the great scheme that De Witt Clinton was then launching in New York." And it was "designed to provide by the best methods then known to science, and by the aid of natural advantages for in-

1. Ibid.

land navigation enjoyed by no neighboring State, cheap and easy transportation from all sections to the best inlets of the sandy barriers which locked out the commerce of the world, and to build up a home market by the concentration of trade at a few points within the limits of the State suited to the growth of large cities.”¹

The trouble was that Murphey's plan was too bold, too comprehensive. No other man of his day in North Carolina had the imagination to conceive a scheme so large, or the vision to foresee its results, while Murphey himself did not possess the practical knowledge of engineering to carry it into execution. For this, therefore, he was compelled to rely upon others who moved within a narrower intellectual range than himself, and his scheme was consequently doomed to failure for the lack of agents of sufficient foresight and intellectual grasp to transform his dreams into realities. Besides this, he had to reckon with sectional interests, prejudices and jealousies. It was necessary, in order to get anything at all done, to conciliate favor by making special appropriations to different sections of the State, and this log-rolling method made systematic planning and execution impossible. Murphey foresaw this danger, as he seems to have foreseen everything else, and warned the Legislature against it, saying in a memorable passage:

“No considerations of local policy, no paltry considerations of expense, should divert our views for one moment from the destiny to which we are aspiring, and to which we shall certainly attain, if we

1. Hoyt: *Blog. Hist. of N. C.* IV., 340-49.

cease not our efforts. Rising above the influence of little passions, let us devote our labors to the honor and glory of the State in which we live, by establishing and giving effect to a system of policy which shall develop her physical resources, draw forth her moral and intellectual energies, give facilities to her industry, and encouragement to her enterprise. It is only by persevering in a systematic course of elevated policy that the prosperity of the State can be reared up and be made stable. Isolated measures, without plan and without system, have never yet made a State great, nor a people happy. They baffle the efforts of honest industry by often giving to them a wrong direction; they disappoint the expectations of enterprise by their frequent abortion.”¹

But this eloquent appeal fell on deaf ears!

It must not be supposed, however, that Murphey's splendid dreams came to naught. Great results were achieved which we can better appreciate than the men of that day. Numerous navigation companies, in which the State took stock, were chartered, a fund for internal improvements was established, a State board of commissioners of internal improvements created, engineers employed, numerous surveys made, and a vast amount of valuable data was collected of the greatest usefulness to the State. This last, indeed, was one of the chief objects Murphey had in view. Said he:

“It is mortifying to look around and witness the general ignorance which prevails of the resources and character of the State; to see, both in the Legislature and out of it, men of respectable understand-

1. Hoyt.

ing, almost totally ignorant of our geographical situation, of the state of our population, our finances, our agriculture, our commerce, our soil and our climate," and to enlighten this ignorance he proposed to impose upon the Commissioners of Internal Improvements "the duties of collecting information for the use of the Legislature upon the climate, the soil, the agriculture, the productions and the manufactures of the State; and as far as may be convenient, of each county therein; and from time to time to submit to the Legislature regular series of statistical tables upon these subjects. At this time we are destitute of regular statistical information; and your committee deem it an object worthy of attention to employ intelligent men to collect and arrange such information for the use of the Legislature."¹

One of the ultimate results of the work done in accordance with this suggestion was the creation of the State Geological Survey.

Governor Graham, an unusually careful and painstaking man, estimated that the \$50,000 expended by the State on Murphey's schemes for internal improvements, "was repaid tenfold in the topographical and statistical information which it elicited and caused to be published, and in the loyal and true North Carolina patriotism aroused by Mr. Murphey's discussion of the subject in the hearts of her people."

Intimately connected with Murphey's program of internal improvements was his program of public education. Indeed, as we have seen, one of his objects in advocating internal improvements was to increase the revenues of the State so as to enable her

1. Ibid.

to support a system of public education and advance the arts and sciences in North Carolina. "That people," he said, "who cultivate the sciences and the arts with most success, acquire a most enviable superiority over others. Learned men by their discoveries and works give a lasting splendor to national character; and such is the enthusiasm of man, that there is not an individual, however humble in life his lot may be, who does not feel proud to belong to a country honored with great men and magnificent institutions."¹

Murphey's interest in this subject was sharpened by, if it did not originate in his personal difficulties in obtaining an education in North Carolina. These difficulties he described with great vividness in a memorable passage in his oration at the University in 1827.² After graphic descriptions of the great lawyers and orators of North Carolina—Davie, Moore, Duffy, Haywood and Stanly—he says:

"Few of the men whom I have named had the advantage of a liberal education; they rose to eminence by the force of their genius and a diligent application to their studies. The number of our literary men has been small, compared with our population; but this is not a matter of surprise, when we look to the condition of the State since the close of the Revolutionary war. When the war ended, the people were in poverty, society in disorder, morals and manners almost prostrate. Order was to be restored to society and energy to the laws, before industry could repair

1. Report of 1817. Coon: Pub. Ed. in N. C., I., 123-46.

2. Hoyt. Also printed in Peele's *Lives of Distinguished North Carolinians*, 128-47.

the fortunes of the people; schools were to be established for the education of youth, and congregations formed for preaching the gospel, before the public morals could be amended. Time was required to effect these objects; and the most important of them, the education of youth, was the longest neglected. Before this University went into operation, in 1795, there were not more than three schools in the State, in which the rudiments of a classical education could be acquired. The most prominent and useful of these schools was kept by Dr. David Caldwell, of Guilford county. He instituted it shortly after the close of the war, and continued it for more than thirty years. The usefulness of Dr. Caldwell to the literature of North Carolina will never be sufficiently appreciated; but the opportunities of instruction in his schools were very limited. There was no library attached to it; . . . the students had no books on history or miscellaneous literature. There were indeed very few in the State, except in the libraries of lawyers who lived in the commercial towns. I well remember, that after completing my course of studies under Dr. Caldwell, I spent nearly two years without finding any books to read, except some old works on theological subjects. At length, I accidentally met with Voltaire's history of Charles the twelfth of Sweden, an odd volume of Smollett's Roderic Random, and an abridgement of Don Quixote. These books gave me a taste for reading, which I had no opportunity of gratifying until I became a student in this University in the year 1796. Few of Dr. Caldwell's students had better opportunities of getting books than myself; and with these slender opportuni-

ties of instruction, it is not surprising that so few became eminent in the liberal professions."

Murphey's educational program was set forth in two reports to the General Assembly, one in 1816, the other in 1817, and in a bill introduced in the Senate of 1817—embracing as Mr. Coon has said, "the profoundest and most comprehensive educational wisdom ever presented for the consideration of a North Carolina legislature."¹ Before Murphey's report of 1816 nobody had ever suggested that the State should do more than aid in the education of poor children. Murphey's object, as he himself said, was to "frame a system [of education] which will suit the condition of our country and the genius of its government; which will develop the faculties of the mind and improve the good dispositions of the heart; which shall embrace in its views the rich and the poor, the dull and the sprightly." Calling attention to the failure of the efforts of private individuals and institutions to do this work, Murphey continues: Your committee "entertain the fear that no better success will hereafter attend them, until a general system of public education shall be established and enforced by the legislature. This general system must include a gradation of schools, regularly supporting each other, from the one in which the first rudiments of education are taught, to that in which the highest branches of the sciences are cultivated." The subject, however, was one of such magnitude and importance, that more time than the committee had was necessary to work out the details. Therefore,

1. Both are printed in Coon: Pub. Ed. in N. C., I. 105-111, 123-46.

Murphey concluded the report of 1816 by offering the following resolution :

“Resolved, That the Speakers of the two Houses of the General Assembly appoint three persons, to digest a system of Public Instruction, founded upon the general principles of the foregoing report, and submit the same to the consideration of the next General Assembly.”

This resolution was adopted, but strange to say no record can be found of the appointment of the committee provided for. That such a committee was appointed is evident from the fact that in 1817 John M. Walker, who had represented Warren county in the House of Commons in 1815 and 1816, submitted to the House of Commons a report on education accompanied by a letter to the Speaker in which he stated that he had been appointed in obedience to a joint resolution of the General Assembly at their last session, “a Commissioner, in common with two other gentlemen to digest a plan of Popular Education.”¹ But who the other two members were is not known. It is scarcely probable that Murphey was one of them for if he had been it is certain that his enthusiasm on the subject would have compelled a meeting of the committee and the preparation of a report to the Legislature. Walker’s report of 1817 was not the report of the committee, for he states expressly that “being unable to communicate with those Gent’n on the subject,” he deemed it his duty to submit an individual report. Murphey’s famous report of 1817 was the report of the Senate Committee on Education and does not purport to be

1. Printed in Coon: Pub. Ed. in N. C., I., 147-64.

the report of the joint committee provided for by his resolution of 1816.

In his report of 1817 Murphey congratulated the Legislature upon "the arrival of a period, when our country, enjoying peace with foreign nations and free from domestic inquietude," could now turn her attention "to improving her physical resources and the moral and intellectual conditions of her citizens. . . . Your committee have entered upon the duties assigned to them with a full conviction of their importance and of the difficulties which attend their discharge, . . . and availing themselves of the light thrown upon the subject by the wisdom of others, they have prepared a system of Public Instruction for N. Carolina which with much deference they beg leave to submit to the consideration of the General Assembly."

Murphey's plan contemplated a complete system of public education. Each county was to be divided into townships with primary schools in each. Above these there were to be ten districts in each of which was to be an academy or high school; and above the high schools, the University—exactly the plan, with variations in details only, which we are now working out in North Carolina. There was also to be a school for the Deaf and Dumb. These schools were to be supported partly by local and partly by State funds. The plan proposed to create a school fund out of certain specified funds of the State from the income of which the State was to contribute her part to the support of the schools. The management of this fund was to be placed under a board of commissioners, with the Governor at their head, corresponding to our present State Board of Education. This board

was to have power to locate schools, fix teachers' qualifications and salaries, appoint school committeemen, prepare plans for the promotion of students from the primary to the secondary schools, and to exercise a general supervision over the whole system. Besides these subjects Murphey discussed in a masterly way courses of study, methods of instruction, discipline and other pedagogical topics, and showed himself perfectly familiar with the great work of Joseph Lancaster in England and of Pestalozzi in Switzerland.

This report Murphey submitted to the Senate on November 29. The next day he wrote to his friend Thomas Ruffin, afterwards North Carolina's great Chief Justice: "On yesterday I submitted the Report on Public Education. It has cost me great labour since coming to this place [Raleigh], having all my ideas to arrange and then write out in rough, and lastly to transcribe. I know not how the plan will be approved. I bequeath this Report to the State as the Richest Legacy that I shall ever be able to give it."¹

But the bequest was rejected by those for whose benefit it was intended; the bill introduced by Murphey designed to enact his plan into law was smothered beneath the weight of legislative indifference; and the State waited until its author had been gathered to his fathers before accepting the rich legacy he had left her. How rich this legacy was in practical wisdom I have already told you enough, I hope, for you to appreciate; how rich it was in beauty of style, profound philosophy, and nobility of sentiment

1. Hoyt.

a few epigrams—which I cannot resist the temptation to quote—will show. Says he:¹

“Knowledge . . . lights up the path of duty, unfolds the reasons of obedience, and points out to man the purposes of his existence.”

“There is a gentleness in wisdom, which softens the angry passions of the soul, and gives exercise to its generous sensibilities.”

“True wisdom teaches men to be good rather than great.”

“Genius delights to toil with difficulties; they discipline its powers and animate its courage.”

The following passage from his report of 1817 on “the new science” of pedagogy ought to be of especial interest to the students of a Normal College:

“The great object of education is intellectual and moral improvement; and that mode of instruction is to be preferred which best serves to effect this object. That mode is to be found only in a correct knowledge of the human mind, its habits, passions, and manner of operation. . . . The new science [of Pedagogy] has given birth to new methods of instruction; methods, which being founded upon a correct knowledge of the faculties of the mind, have eminently facilitated their development. Pestalozzi in Switzerland and Joseph Lancaster in England, seem to have been most successful in the application of new methods to the instruction of children. Their methods are different, but each is founded upon a profound knowledge of the human mind. The basis of each method is, *the excitement of the curiosity of children*; thereby awakening their minds and pre-

1. Report of 1816.

paring them to receive instruction. . . . Your committee indulge the hope that the Board of Public Instruction, and the professors and teachers in these respective institutions [of the public school system], will use their best endeavors to adopt and enforce the best methods of instruction which the present state of knowledge will enable them to devise."

And finally he enforced the obligation of the State to provide educational facilities for her children in the following fine passage:

"Providence, in the impartial distribution of its favours, whilst it has denied to the poor many of the comforts of life, has generally bestowed upon them the blessing of intelligent children. Poverty is the school of genius; it is a school in which the active powers of man are developed and disciplined, and in which that moral courage is acquired, which enables him to toil with difficulties, privations and want. From this school generally come forth those men who act the principal parts upon the theatre of life; men who impress a character upon the age in which they live. But it is a School which if left to itself runs wild; vice in all its depraved forms grows up in it. The State should take this school under her special care, and nurturing the genius which there grows in rich luxuriance, give to it an honorable and profitable direction—poor children are the peculiar property of the State, and by proper cultivation they will constitute a fund of intellectual and moral worth, which will greatly subserve the Public Interest."

Five years after this report was submitted to the Senate, Bartlett Yancey, a former student of law under Judge Murphey, drafted a bill which resulted

in the creation of the Literary Fund; and in 1839 when the Legislature enacted the first public school law of North Carolina, it turned for its model to Murphey's report of 1817.

One other feature of Murphey's grand plan for the forward movement of North Carolina remains to be noticed. We have already seen how the self-ignorance and depreciation, lack of State pride and independence of character of North Carolina depressed his spirits. In order to enlighten their ignorance, to arouse a proper State pride, Murphey planned a great historical and scientific work on North Carolina. He had hoped that the knowledge that North Carolina had a great history would inspire the men of his generation with respect and love for the State, would make them feel that to be a Carolinian was something to be justly proud of, and would arouse in them an ambition to be worthy of their inheritance. In a letter, dated July 20, 1821, to General Joseph Graham, a distinguished survivor of the Revolution, he set forth his plans and purposes as follows:

"Your letter to Colonel Conner first suggested to me the plan of a work which I will execute if I live. It is a work on the history, soil, climate, legislation, civil institutions, literature, etc., of this State. Soon after reading your letter, I turned my attention to the subject in the few hours which I could snatch from business, and was surprised to find what abundant materials could, with care and diligence, be collected—materials which if well disposed would furnish matter for one of the most interesting works that has been published in this country. We want such a work. We neither know ourselves nor are we

known to others. Such a work, well executed, would add very much to our standing in the Union, and make our State respectable in our own eyes. Amidst the cares and anxieties which surround me, I cannot cherish a hope, that I could do more than merely guide the labors of some man, who would take up the work after me, and prosecute it to perfection. I love North Carolina, and love her the more because so much injustice has been done her. We want pride. We want independence. We want magnanimity. Knowing nothing of ourselves, we have nothing in our history to which we can turn with conscious pride. We know nothing of our State, and care nothing about it. We want some great stimulus to put us all in motion, and induce us to waive little jealousies, and combine in one general march to one great purpose."

For this work he gathered a vast amount of material from many different sources, both public and private, both within and without the State. He petitioned the Legislature for aid; he appealed to surviving leaders of the Revolution and to the families of the dead; and he had the archives of England searched and an index of the material found there relating to North Carolina made for his use.¹ His plan, says Governor Graham, "was more voluminous, and embraced a greater variety of topics, than would have been preferred by the generality of readers, but its very magnitude showed the comprehension of his genius and the intrepidity of his mind. Beyond one or two chapters on the Indian tribes of the State, he

1. All of his papers on this subject are printed in Hoyt: *Papers of Archibald D. Murphey*.

appears to have done but little towards its composition, though his collection of materials, directing attention to the subject, and rescuing from oblivion much that was passing away, rendered the undertaking itself a great public benefit. Decayed health and a ruined fortune arrested him in mid career, put a stop to his favorite enterprise, and clouded with poverty and adversity the evening of his days."

As a lawyer Murphey's success enabled him to accumulate a considerable estate; as a business man his failure involved him in ruin, suffering and humiliation. The hard times which prevailed throughout the country in the early twenties swept away his fortune, and left him heavily in debt.

It is, of course, impossible for a man to participate in the business and political life of his time as long and actively as Murphey did without raising up enemies. Enemies Murphey made, and these, taking full advantage of his misfortune, now pounced upon him with intent to hasten his ruin and break his spirit. They had him arrested, seized and thrown into prison for the crime of owing an honest debt—for that barbarous method of punishing misfortune had not been abolished in North Carolina even as late as 1820. Resigning from the Superior Court bench, Murphey returned to the practice of the law hoping to retrieve his fortune and save from ruin the friends who had loaned him money and endorsed his notes. Had his health remained good, he would probably have succeeded, but this failed him in the very hour of his need, and though in the few years that remained of life he rendered important services to the State, nevertheless he never regained that buoyancy of spirits, that sanguineness of tem-

perament, that confidence of convictions, that had previously distinguished him in all his works. As he looked back over his career it seemed to him that everything on which he had set his heart had failed. His program of internal improvements had not been carried into execution, his plan for a public school system had been rejected, and his great historical and scientific work on the State remained unfinished. Time, however, has given us a better perspective from which to view his career. His dreams of inland water-ways, of good roads, of public schools, of the collection, preservation and publication of her historical sources by the State, have all become realities, the inspiration of which we trace to his labors.

Thus his triumph came, not in his own life-time, it is true, but it came nevertheless, and we today, hailing him as the "Father of Public Education in North Carolina," have given to his name that high place in the history of the State that his ambition coveted.

III

David Lowry Swain¹

Murphey's experience with his measures for internal improvements and public schools, as I pointed out in my last two lectures, demonstrated to him and to the other progressive leaders of the State the necessity of securing political reforms before they could indulge any hopes of succeeding in their economic and educational policies. The East with its superior advantages for marketing its products did not feel the necessity for internal improvements that pressed upon the West, while its aristocratic social life, growing out of the plantation system and slave labor, was antagonistic to the very ideals upon which a system of public education must be founded. Consequently the Eastern leaders lined up almost solidly against Murphey's program, and by reason of their control of the State Government as it was organized under the Constitution of 1776, they were able to block every measure proposed by the West for bringing North Carolina in line with the progressive States of the Union. Murphey and the other Western leaders, therefore, early in the struggle,

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1. The following sketches should be studied in connection with this lecture:—Vance, Z. B.: *Memoir of David Lowry Swain*. Peele's *Lives of Distinguished North Carolinians*, 229-55. Ashe: *David Lowry Swain*, *Blog. Hist. of N. C.*, I., 447-58.

came to the conclusion that their fundamental problem was the problem of political reform. In 1816, the same year in which Murphey first introduced his educational program, he submitted a report on the necessity of calling a convention for the purpose of amending the Constitution. In this report he said: "The principal defect [in the Constitution] is the inequality of representation in the Legislature," and brought forcibly to the attention of the Legislature the injustice with which this inequality bore upon the majority of the people of the State. "That the majority should govern," said he, "is one of the first principles of a republican system of government. The conditions of the State have so changed since the Constitution was adopted that this principle no longer operates. The political power now resides in a small minority." He proposed, therefore, that an election should be held upon the question of calling a convention to amend the Constitution in this and other important respects. As usual, however, the East arrayed itself against this proposition and the resolution was defeated.¹

As the years passed, however, the inequality pointed out by Murphey not only became greater, but other questions arose which complicated the situation and introduced new elements into it. Two of these finally induced enough Eastern men to join in the campaign for a convention to assure the triumph of the West. These were the election of William Gaston a judge of the Supreme Court and the burning of the State Capitol. A word of explanation is nec-

1. Senate Journal, 48.

essary to point out the bearing of these incidents on the Convention question.

The 32nd Article of the Constitution of 1776 declared any person ineligible to public office in North Carolina "who shall deny the Being of God, or the truth of the Protestant Religion, or the divine authority of either the Old or the New Testament." Part of this clause was intended to prevent the election of Roman Catholics to office, but the ablest men of that day had come to the conclusion that the clause was not only out of harmony with the spirit of our government and incompatible with the enlightened liberality of the Nineteenth Century, but that it was meaningless and, therefore, impossible of any reasonable interpretation. Consequently it had always been inoperative. In 1833, however, William Gaston, a Roman Catholic, was elected a judge of the Supreme Court. He maintained with unanswerable logic that the 32nd Article did not forbid his acceptance of the office, and with this position the leading members of the legal profession in the State agreed. Gaston felt, however, that the presence of the clause in the Constitution was a reflection upon men of his faith and a relic of Eighteenth century bigotry that for the honor of the State ought to be stricken out. Himself an Eastern man, his great ability as a statesman, his national reputation as a jurist, his lofty and unimpeachable character as a man, and the universal esteem and popularity which he had long enjoyed throughout the State, were matters of great pride to the people of his section; and after his election to the Supreme Court many of them were ready to vote for a convention to remove from the Constitution a clause that

they regarded as a stigma upon their greatest and most beloved leader.

The Capitol was burned in 1831, and immediately an agitation was begun to have the seat of government moved from Raleigh to Fayetteville. Raleigh was still a country village, the capital of the State in name only, and with no prospects of ever becoming a real political and commercial center. Many people felt that Fayetteville's superior advantages for commerce if combined with the advantages which always attend the political capital of a State, would develop that town into a real political and commercial center which, as we have seen, was one of the prime needs of North Carolina. As the removal of the Capitol required an amendment to the Constitution the Fayetteville party were now eager to join with the West in support of a bill to call a convention.¹

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1. In 1831 a member of the General Assembly described the party divisions in the Legislature in the following passage in a private letter: "We are distracted—rent asunder, by factions and the result of the legislative discussions and dissensions will be (I fear) that we shall separate in anger, after having proved most unprofitable servants. There are five parties here. The largest—but it does not quite constitute a majority—is for rebuilding the Capitol and is opposed to a Convention in every form. This may be termed the Eastern party. The next, in point of magnitude, is the Western party—they want a reconstruction of our Constitution with respect to political power and want no more, but will either keep the government at Raleigh or remove it to Fayetteville, as the one or the other will favor their great end. The third, in point of size, is the Fayetteville party; their main object is removal—but they are willing, also, to go for a general Convention. The two others are of about the same magnitude—the Northwestern and Southwestern parties. The former want a modification of the Constitution, but are utterly opposed to a removal, and the latter want a removal, but resist alterations of the Constitution." Connor, H. G.: "The Convention of 1835," North Carolina Booklet, VIII. 2, p. 94.

A third element which had become an important one in the situation was the great democratic movement, world-wide in its sweep, that was then shaking the foundations of every English-speaking government of the world. In England this movement found expression in the Catholic Emancipation Act, in the act abolishing slavery throughout the British Empire, and in the great Reform Bill of 1832; in America it revealed itself in the creation of new States with constitutions recognizing population as the only basis of representation, in the extension of the suffrage in nearly all the old States, in the election of Andrew Jackson as President of the United States, and in the growth of a strong anti-slavery sentiment in the nation.¹ It was impossible for North Carolina long to resist the influence of this universal onward sweep of democracy and all that was needed to bring the State in line with this progressive movement was the appearance of a leader with the ability, the tact, and the personal popularity to unite in one solid phalanx the various forces that I have described.

Out of the West, from beyond the rugged peaks of the Blue Ridge, a region since become famous the world over for the grandeur of its scenery and the purity of its climate, but at that time as unknown to the great majority of the people of the State as were the Highlands of Scotland, this leader suddenly appeared. A young man, just passed thirty, his out-

1. For a fuller discussion of this movement and its influence on North Carolina politics see the writer's "Historical Foundations of Democracy in North Carolina," Publications of the North Carolina Historical Commission, Bulletin No. 12.

ward appearance gave as little promise of leadership as it is conceivable for any person to have. Described as "a malformation in person, out of proportion in physical conformation, apparently thrown together in haste, and manufactured from the scattered debris of material that had been used in other work; . . . gawky, lanky, with a nasal twang that proclaimed him an alien, and a pedal propulsion that often awakened derision," he nevertheless was endowed with such amiability of temperament, intellectual ability, and nobility of character that he immediately attained a universal popularity that gave him a place of leadership in the affairs of the State at a younger age than any other man in our history.

This man was David Lowry Swain of Buncombe county. Born in 1801, he received a meager education in the preparatory schools of the neighborhood, and later entered the junior class at the University of North Carolina. But for some unknown reason he withdrew from college at the end of four months, and removed to Raleigh where he studied law under Chief Justice Taylor. While in Raleigh he not only pursued his legal studies with diligence, but likewise entered upon a course of study that is said to appeal rather to the heart than to the head. In 1822 he finished his studies and, as Governor Vance puts it, returned to the mountains "with his license in his pocket and a sweetheart in his eye." There he went hopefully to work and became almost immediately in possession of a lucrative practice. Quick to perceive his ability and integrity, the people of Buncombe county, in 1824, elected him a member of the General Assembly in which he served five terms. As a legislator he aligned himself with the progres-

sive leaders of his section and gave his support to measures designed to establish a system of internal improvements, public schools, amendments to the Constitution, and other similar forward movements. "In his character as a legislator," says Governor Vance, "he was distinguished for his industry and his attention to details, especially in the department of statistics and taxation, in which he soon became the highest authority in the body of which he was a member. He was prominent in getting the bill passed for the building of the French Broad Turnpike, a measure which revolutionized the intercourse between Tennessee, Kentucky, and South Carolina, bringing an immense stream of emigration, travel, and trade through western North Carolina, and adding greatly to his own popularity among the people of that region."¹

His popularity, however, was not confined to the people of his own section. His association with members of the Legislature had made him as universally esteemed in the East as in the West. A striking illustration of this occurred in 1827. A contention springing up between the candidates for the position of solicitor of the extreme eastern district, and none of them being willing to give way, they finally agreed to withdraw in favor of Swain, although his residence was in the extreme western part of the State. After a year's service as solicitor Swain resigned. In 1830 a contest arose in the Legislature over the election of a judge in the Raleigh district. Henry Seawell, one of the most emi-

1. Address on Swain in Peele's *Lives of Distinguished North Carolinians*.

ment lawyers at the Raleigh bar, was the leading candidate. His opponents had brought forward various candidates in opposition to Seawell but in vain. Finally in a last effort, they nominated Swain and triumphantly elected him, or as one enthusiastic member said: "Then we took up old 'warping bars' from Buncombe and warped him out." Thus before he had reached his thirtieth birthday Swain had served five terms in the Legislature, one term as solicitor, and had been elected a judge of the Superior Court. After two years of service as a judge, at the age of thirty-two he was elected governor, the youngest man ever elevated to that high office in the history of North Carolina. He was re-elected in 1833, and again in 1834. The popularity of which these facts are evidence was no small factor in Swain's success in inducing the Legislature of 1833 to pass the Convention bill; and of his still greater success in inducing the Convention to adopt the amendments to the Constitution which the West had been so long advocating.

The policies that Swain advocated as governor entitled him to a high place among the progressive governors of North Carolina. His letter-book shows that his time and labors were especially given to the questions of constitutional reform, the coast defences of North Carolina, internal improvements, taxation and financial reform, and other important matters of domestic concern. In his annual messages to the Legislature he discussed these and other problems with great ability and force. He struck hard and vigorous blows at the old *laissez faire* policy that had so long characterized the legislation of North Carolina, and perhaps it is no exaggeration to say

that to his tact and personal popularity with men of all sections, more than to any other single cause, was due the abandonment of that policy during his administration. Swain inaugurated no new policy. He simply followed in the footsteps of Murphey. He lacked the largeness of vision, the originality of conception, the poetic imagination that characterized Murphey's work; but he had what Murphey did not possess, the practical knowledge of men and affairs necessary to achieve results, and it was this quality that enabled him to win success where Murphey had met with failure.

From 1776 to 1835 the relations existing between the governors and the Legislature were fundamentally different from what they were prior to the former date or have been since the latter. Prior to 1776 the governors were appointed by the Crown and were responsible to the Crown only. They were the personal representatives of the King and as such felt themselves superior to the Legislature; and they urged their views of public questions with that vigor and emphasis that always attends a feeling of superiority. Since 1835 the governors have been elected by the people to whom alone they are responsible. Their election to the highest office in the State is itself an endorsement by the sovereign people of their policies, and this fact gives to our governors an assurance and feeling of independence which impart force and vigor to their messages to the Legislature. But from 1776 to 1835 the governors were elected annually by the Legislature and were entirely responsible to the Legislature. Their attitude, therefore, was generally one of greater subserviency than was due to their great office, and on public questions

they presented their views with such deference and lack of emphatic conviction that the average message of that period is a rather colorless document.

Swain's messages were an exception to this general criticism. Always respectful and considerate of the opinions of the members of the Legislature, nevertheless he had his own views on all public issues, he stated them frankly and without equivocation, he brought to their support an array of facts and figures that gave them point and emphasis, and he presented them in a clear-cut, vigorous style.

In his first message he pointed out the fact that during the preceding half century more than one-half the total revenues of the State had gone to defray the expenses of the Legislature; declared that no government could be wisely administered in which those who direct the expenditures of the public fund receive more for that service than the amount of their disbursements; and then diplomatically informed the Legislature that for the past fifty years it had not been worth its hire to the State.¹ "I advert to the circumstance," he said, "principally to enable me to urge upon you more forcibly the propriety of entering upon a system of legislation required by the wants of your constituents, commensurate with their resources, and worthy the confidence which they impose in your ability to administer their public affairs." The "system of legislation" that he then discussed embraced internal improvements, education, banks and currency, the revision of the laws, and reform in taxation.

He called attention to the "excitement which

1. House Journal of 1833, 129-38.

seems to pervade every section of the State upon the subject of Internal Improvements. The opinion seems to be general that the adoption of a more liberal system is essential to the future prosperity of the State." Two methods had been suggested: one that the work should be done by private corporations aided by the State; the other that the State alone should do it. It was characteristic of Swain's practical business sense that he should urge both methods. The great channels of trade, he said, "in which the whole community is interested, and which for that reason will not probably attract and are least likely to be effected by individual enterprise, demand the exclusive attention and patronage of the government." But for improvements of a local character he recommended the formation of private companies to be aided by the State, shrewdly observing: "Individuals will rarely be found anxious to engage in a chimerical scheme; and no more satisfactory evidence of the practicability and usefulness of any work need be required than the fact that those who recommend it to public patronage are willing to test the correctness of their opinions by trusting their own capital to the same hazard."

These recommendations, however, came to naught, for an event was about to happen, the immense significance of which nobody then understood, that was soon to render obsolete all these plans of internal improvements. This event was the advent of the railroad and steam locomotive which was destined to produce changes and results that neither Murphey with all his prophetic vision, nor Swain with all his practical insight could foresee. It was left for another great Carolinian in whom were combined both

Murphey's power of vision and Swain's practical genius to lay the foundation of the State's transportation system and win first place among the "Ante-Bellum Builders of North Carolina."

Swain put himself squarely before the Legislature as favoring public education, but doubted whether it was wise at that time to undertake to establish a system of schools. The sparseness of population and the smallness of the Literary Fund made it problematical whether such a system could be successfully launched at that time, and a failure in the first attempt would cause a reaction that would be fatal. These conditions, however, were temporary, for as he said:

"When, as the result of a wise and liberal system of legislation, the inlets upon our coast shall receive the improvement of which they are susceptible; when our great natural highways, the rivers connected with them, shall assume that condition, in which Providence designs they shall be placed by our hands; when these channels of communication shall be intersected by Railroads and Canals; and as the natural consequence of this state of things, agriculture shall receive her appropriate reward, we will have laid the foundation of a school system, as extensive as our limits, and as enduring as our prosperity. A few individuals will not have been selected and cherished as the peculiar objects of public patronage; but the general character of the country will be elevated, and thousands now too poor to afford the blessings of education of their children, will find this, though the most important, but one of many advantages incident to an improved condition of life. Extended commercial facilities will stimu-

late to agricultural exertion;—increased production afford the means of education; and the diffusion of knowledge operate as the most certain preventive of crime. A more liberal scheme would be better suited to the condition of older and richer communities, and I trust the day is not very far distant when it will be so to ours.”

But Swain was well aware that all these things waited upon political reform, and to the accomplishment of this end he bent his chief energies. The great issue of his administration was the calling of a convention to amend those provisions of the Constitution that related to representation. After expressing his pleasure at meeting the Legislature of 1834, he says:

“That your attention should be mainly directed to objects of State Legislation, cannot be doubted. . . . I will proceed at once to the most important subjects which are in my opinion proper for your consideration. Of these the proposition to amend the Constitution of the State, first introduced into the General Assembly in 1787, and which has continued to command the public attention for nearly half a century, is regarded as most prominent. Upon a subject of such universal interest, and involving so many important considerations, you have a right to expect an unreserved communication of the opinions of the Executive Department. . . . I avail myself of the first fair opportunity, which has been afforded to me, to present my views of this perplexing but interesting question.”¹ He first considered the objec-

1. House Journal, 131.

tions that had been urged by the opponents of the Convention, and in a few pointed sentences quickly disposed of them. There were but two that seem to merit serious consideration. They were: First, that as the Constitution had made no provision for amendments, the Legislature had no power to call a Constitutional Convention, but that such power rested in the people only; second, that even if the Legislature had the power to call a convention it did not have power to prescribe what amendments the convention should consider, but that this was a matter for the Convention itself to decide.

Swain discussed these points from the historical, the legal, and what one might call the commonsense points of view. In answer to the argument that the Legislature had no power to call a convention, he pointed out the fact that twice already, in 1788 and in 1789, the Constitution had been amended by conventions called by the Legislature; and, in the second place, he showed that in both instances the Legislature had prescribed the amendments which those conventions were permitted to consider. "Without pursuing this discussion further," he said, "the conclusion may be fairly drawn, that a legislative recommendation to the people to select a convention . . . is in strict accordance with first principles, and in precise conformity to all the precedents afforded by our history."

If then a Convention should be called what were the principal objects to be achieved? As stated by Swain, "The great object to be attained is a radical change in the basis of representation." After discussing the origin and history of the plan incorporated in the Constitution of 1776, the changes in the

conditions of the State that made amendments of that plan advisable, the discontent of the West, the controversies between the sections to which it had given rise, he says:

"It is certain that it subjects the majority to the rule of the minority, and confers on those who pay comparatively but a small proportion of the public expense, the power to control the entire resources of the country. If the wisdom, patriotism and spirit of compromise requisite to the permanent and satisfactory adjustment of this controversy, shall be found united in the present General Assembly, you will achieve a triumph of inestimable importance, and entitle yourselves to the lasting gratitude of posterity."

The question thus brought sharply to the attention of the Legislature in the ablest message ever presented on that subject, the other questions with which it had now become complicated, and the general democratic movement throughout the world, which I have described, overbore the opposition to the more conservative elements and enabled the West to win the first great victory for constitutional reform in North Carolina. A bill was introduced to submit to the people at a general election, the question of calling a convention to amend the Constitution by changing the basis of representation, by abolishing the right of certain towns to send members to the General Assembly, by taking away from the Legislature the election of the governor and giving it to the people, by taking the right of voting away from free negroes, and by striking out the sectarian test for office-holding. In the House of Commons 13 eastern men joined with the West and passed the bill by

a vote of 66 to 62. In the Senate the contest was even closer, the advocates of the Convention winning by a vote of 31 to 30. Every senator west of Raleigh, except one, voted for the Convention, and they were joined by four eastern senators whose courage in opposing the interest of their section enabled the West to achieve its great victory. No greater triumph for democracy was ever won in North Carolina. For the first time in their history the people of the State were to be consulted on a great problem of government; for the first time the decision of a great political issue was referred directly to the people.

This first referendum resulted in a victory for democracy. Some curiously interesting results appear in the election returns. For instance there were 30 eastern counties in each of which less than 100 votes were cast for the Convention. The total vote of those thirty eastern counties was 1004 for the Convention, 15,335 against it. On the other hand, there were eighteen western counties in each of which less than 100 votes were cast against the Convention. The total vote for the Convention in these western counties was 16,916, the total vote against it in these western counties was only 602. In Rowan county there were two men and in Rutherford county but one who voted against the Convention. The total vote for the Convention was 27,550, the total against it 21,694.¹ Thus the people of the State after more than fifty years of agitation, in which deep passions had been aroused, registered their verdict in favor of a convention charged with the

1. The election returns by counties are printed in North Carolina Manual for 1913, 1010-12.

duty of purging their Constitution of its undemocratic features which it had inherited from colonial times.

The Convention met in Raleigh, June 4, 1835, with 128 delegates present. The public careers of its members are sufficient evidence of their ability and experience. Three either had been or were to become United States senators; three had served the State as governors, and two more later became governors; six rendered conspicuous service on the bench; eleven had presided over one or the other branch of the General Assembly; fifteen either had been or later became members of Congress; and eighty-eight had represented their constituents in the State Legislature. From Bladen county came John Owen, who had served three terms as governor; from Rowan, Charles Fisher, who had twelve times represented his county in the General Assembly, where he had long led the western forces in their fight for a convention; Weldon N. Edwards, of Warren, had served twelve years in the Legislature and ten years as the successor of Nathaniel Macon in Congress; Daniel M. Barringer, of Cabarrus, after long service both in the State Legislature and in the National Congress, was later to represent his country at the Court of Spain; John Branch, of Halifax, had been distinguished for his services as legislator, as governor, as United States senator, and as Secretary of the Navy in the Cabinet of Andrew Jackson; Henry Seawell, of Wake, John D. Toomer, of Cumberland, and Joseph J. Daniel, of Halifax, were eminent as advocates at the bar and judges on the bench; John M. Morehead, of Guilford, had already

served his people in the Legislature and was destined to greater fame in other fields of activity.

But the three most conspicuous figures in the Convention, upon whom the eyes of the whole State were centered, were Nathaniel Macon, of Warren, William Gaston, of Craven, and David L. Swain, of Buncombe. Macon had played a great part in the life of the State and Nation. Five times elected to the Legislature, twelve times to the National Congress, three times to the United States Senate, his public career covered a period of forty-two years. He had been three times chosen speaker of the National House of Representatives, and three times President of the United States Senate, and had twice been invited to sit in the cabinet of Thomas Jefferson. At the age of seventy he had voluntarily retired from public life, and was quietly spending his last days on his farm, when he was called by his people to give them the benefit of his wisdom in the momentous tasks facing the Convention of 1835. Rising above all party or sectional prejudices, he was recognized by all as the fittest man for president of the Convention to which office he was unanimously elected. He was, declared John Randolph, "the best, wisest, and purest man I ever knew."

William Gaston, after service in the State Legislature and in Congress, had recently been elevated to the Supreme Court. Of him Judge Battle said: "Though left an orphan in earliest infancy in a country where he had no kindred, save a widowed mother and an infant sister, though professing a religious faith almost proscribed, and attached to a political party always in the minority, he yet rose to the highest summit of professional distinction, ac-

quired, during a brief career in the Legislature of his State, a preponderating influence in its councils, was among the foremost of the great in the national assembly, was selected by almost general acclamation to preside in the highest judicial tribunal known to our land, and, more than all, won and maintained to the day of his death, the confidence, the admiration, and the affection of his countrymen."¹ Standing with uncovered head by Gaston's tomb, Edward Everett declared with unconcealed emotion: "This eminent man had few equals and no superiors."

Swain, then serving his third year as governor, was the recognized leader of the western forces. To his skilful leadership, his wide and varied learning, his mastery of all the facts and figures bearing upon the questions at issue, his fairness towards opponents, and his patience and tact in dealing with men, the West to a large degree owed its triumph. Though generally tactful and diplomatic in his handling of delicate situations, he knew when and how to speak plainly and forcibly, and could when necessity called for it let fall a storm of wrathful indignation at wrong and injustice that made men quail. Describing such an incident during Swain's speech on the amendment relating to representation, the late R. B. Creecy, who was an eye-witness of it, writes: "He presented all the points of the case from the western point of view. It was bold, defiant, logical, argumentative and sometimes eloquent. He was fond of Scriptural quotations, and often used them with

1. Address on Gaston in Peele's *Lives of Distinguished North Carolinians*, 150-160.

great effect. Once, towering in his wrath and raising his index finger as in defiance of Eastern Carolina, he said: 'Let our eastern brethren beware. If they do not grant our peaceful appeal for a change in the basis of representation, we will rise like the strong man in his unshorn might and pull down the pillars of the political temple.'"¹ Such a threat from a man of Swain's quiet and amiable temperament shook the convention to its very foundations.

Swain was, as a rule, one of the silent members of the Convention. He spoke but seldom, and then briefly. His chief work was to direct the efforts of his supporters, to conciliate malcontents, to compromise differences on non-essentials, and to keep his followers intact on the great point—representation in the General Assembly based on population. On this question he was as firm as adamant, even threatening that unless justice were done the western counties would throw off their allegiance to the State and set up for themselves. The Convention, he said, was selected for the express purpose of reforming the basis of representation. Minor points might have attracted the attention of a few individuals, but this was the main point, the great business for which they were selected. He declared that he could say with perfect sincerity that if he knew his own heart, no member of the Convention came to its deliberations with less of party or sectional feeling, or was more anxious to terminate forever the differences between the two sections of the State than he. He hoped that a similar feeling influenced the majority of the Convention, for the utmost caution and

1. Grandfather's Tales of North Carolina History, 131.

circumspection was necessary to a happy termination of their labors and if passion and prejudice were permitted to assume control, incalculable injury might result from it. It was their solemn duty, therefore, to settle this controversy. As for himself he was disposed to conceal nothing. Every view he entertained as to the relative advantages which would be derived by each section of the State from the proposed amendment was at the service of all who desired it; and he had no hesitation in stating that if by anything that this Convention did or left undone, injustice should be done to any large portion of the State, the struggles in which they were involved would not terminate with the adjournment of that body. "The general sense of injury," he exclaimed, "will impel the people as one man to rend asunder the cords which bind the body politic and stand forth in their unshorn might and majesty."¹

This firm stand, coupled with tact and diplomacy in dealing with the other questions that came up, resulted in the Convention's agreeing to submit to a vote of the people amendments to make property the basis of representation in the Senate, population in the House of Commons; to abolish borough representation; to disfranchise free negroes; to take from the Legislature and give to the people the election of the governor; to make the governor's term two years instead of one year; to substitute in the 32nd Article the word "Christian" for the word "Protestant;" and to fix a definite manner of proposing and adopting amendments to the Constitution in the future. The election on these proposals resulted in

1. Debates in the Convention of 1835, 88-91.

a vote of 26,771 for, and 21,606 against them.¹ Of the 26,771 votes cast for the amendments, 23,491 came from the counties west of Raleigh; and of the 21,606 votes cast against them, 19,279 came from counties east of Raleigh. As in the election calling the Convention the returns revealed some interesting results. For instance, in the West,

Burke county cast	1359 for, 1 against;
Rutherford cast	1557 for, 2 against;
Surry cast	1751 for, 4 against;
Wilkes cast	1757 for, 8 against;
Haywood cast	484 for, 8 against;

and in the East,

Brunswick cast	0 for, 466 against;
Tyrrell cast	1 for, 459 against;
Hyde cast	2 for, 431 against;
Columbus cast	3 for, 391 against;
Bladen cast	6 for, 564 against;
Chowan cast	7 for, 332 against;
Hertford cast	7 for, 376 against;
Pasquotank cast	7 for, 442 against;
Nash cast	8 for, 757 against;
Greene cast	9 for, 423 against.

These votes show how sharp and irreconcilable had been the division between the two sections of the State. So long as this division remained, it was impossible for North Carolina to undertake any great forward movement for educational, industrial or social betterment that required the united support of her people. The chief work, therefore, of the Convention of 1835 was to remove the cause of this di-

1. The returns are printed in North Carolina Manual. 1913, pp. 1010-12.

vergence of interests, and to set in motion a train of events that have gradually removed sectional issues and united the people of North Carolina into one solid homogeneous whole. Chief among these events, as I said in my opening lecture, were the construction of the railroads which have united the people of the East with those of the West in the bonds of trade and social communion; and the organization of the public school system which has given the people of the two sections a common interest that has contributed to their intellectual solidarity. Had no other results followed from the Convention of 1835, nevertheless it would be entitled to rank among the greatest events of our history.

But other results did follow. The work of the Convention brought into existence two political institutions which, though unrecognized by the Constitution, have been powerful factors in uniting the people and in shaping the history of the State. One of these is the State Conventions of political parties, the other, the canvass of the State before elections by the nominees for State offices. So long as the governor was elected by the Legislature, the people not only had no voice in the election, but had even less voice in selecting the party candidates. This selection was made by a small coterie of party leaders—in modern political parlance, the ring—and their followers in the Legislature merely ratified their choice. But when the election of governor was given to the people, it became necessary to give the people some voice in selecting their candidates. Consequently the political convention, composed of delegates representing the rank and file of the party, became an institution. These conventions not only named can-

didates, but they also issued platforms stating the measures which their candidates favored. It became necessary, therefore, since the people now voted directly on the candidates, for the candidates to go before the people and discuss the measures they favored. Many conservative statesmen, foreseeing this result, opposed the amendment changing the mode of electing governors. One of the delegates in the Convention declared that he had lately seen a gentleman from Tennessee, where the governor was elected by the people, who told him that "candidates were traveling through the State on an electioneering campaign at expense and trouble to themselves and great annoyance to the people." Perhaps this custom has at times proved annoying, nevertheless, it cannot be denied that it has brought the people into closer touch with their government, familiarized them with political questions, imposed upon them a larger responsibility in the determination of governmental policies, and greatly advanced the cause of democracy.

With the adjournment of the Convention of 1835 and the expiration of his third term as governor, Swain's political career came to an end. Although only thirty-four years of age he had, nevertheless, held the highest offices within the gift of the State and consequently his ambition had nothing more to look forward to in politics. Just before the close of his term as governor, the presidency of the University became vacant by the death of President Joseph Caldwell, and Swain conceived a desire to be his successor. He was not, as we have seen, a man of liberal education and on that account there was some opposition to his election as President of the

University. On the other hand he had demonstrated his ability as a good executive and it was thought that a man who had shown that he knew so well how to manage men could not fail to know how to manage boys. This view prevailed with the trustees, and Swain was elected. Some of the scholars of the Faculty were much disgusted. One of them sneeringly declared that "the people of North Carolina had done everything they could for Swain in politics and now they were going to send him to the University to be educated." But although Swain was not a scholar in the technical sense of the word, he was by no means an ignorant man. His knowledge of political economy, of history, and of literature, all of which he had studied profoundly, had given him a broad and liberal culture which equalled, if it did not exceed that of his more scholarly critics.

From the time Swain entered upon his duties as President of the University few notable events occurred in his career to attract the attention of the biographer; the story of his life from 1835 until his death is the history of the University for that period, and amply vindicates the judgment of those who placed him at its head. He gathered around him the ablest Faculty in any institution of the slave-holding states, he extended and enriched the course of study, he increased the number of students from about 90 to upwards of 400, and he placed the University first among the collegiate institutions of the South. But his greatest service was his personal influence on the young men with whom he came in contact. As great as had been his own personal share in shaping the history of the State, it was as nothing in comparison with what he did through his influence in

moulding the characters and shaping the careers of her future leaders. A single illustration selected from a great number will suffice to show how great his influence was.

Among those whose characters and careers were thus influenced by contact with Swain at the University, was a mountain lad destined, like Swain himself, to become the Chief Magistrate of North Carolina at the early age of thirty-two, who in a long career of public service earned a place in history as North Carolina's greatest son. This lad was Zebulon Baird Vance. In an address at the University in 1877 Vance acknowledged the influence that Swain had exercised in shaping his career in the following passage inspired by his own personal experience. He says, referring to Governor Swain: "Although the work he did here was undoubtedly the great work of his life, it is impossible for us to compute it. As with the silent forces of nature, which we know to be the greatest that are exerted in this world, but which yet elude the grasp of our senses, so it is impossible for us to measure the power of the able and faithful teacher. . . . No man ever lived in North Carolina whose opportunities for thus influencing those who control her destinies have been greater than Governor Swain's were. . . . The sparks of good which he elicited, the trains of generous ambition which he set on fire, the number of young lives which his teachings have directed into the paths of virtue and knowledge, and colored with the hues of heaven—who but God shall tell? . . . How many great thoughts worked out in the still watches of the night; how many noble orations in the forum, stirring the hearts of men; how many eloquent and mo-

mentous discourses in the pulpit; how many bold strokes of patriotic statesmanship; how many daring deeds and sublime deaths on bloody fields of battle; how many good and generous and honest things done in secret; how many evil things and sore temptations resisted; in short, how much of that which constitutes the public and private virtue of our people, the prosperity, the honor, and the glory of our State might not be traced to the initial inspiration of David L. Swain! Say what you will for the mighty things done by the mighty ones of earth, but here is the truest honor and renown. . . . I had the honor—and I consider it both an honor and a happy fortune—to be on terms of confidential intimacy with him from my first entrance into the University until his death. We were in the utmost accord on all questions pertaining to church and state, and during my subsequent career, especially in those troublous years of war, I consulted him more frequently perhaps than any other man in the State, except Governor Graham.”¹

The outbreak of war in 1861 presented new and greater difficulties to President Swain. He determined if it were humanly possible that even in the stress of war the doors of the University should remain open. It was a gigantic task, for such was the impetuosity with which the students rushed to arms at the call of their states that of the eighty members of the Freshman class of 1860 but one remained to pursue his studies, and he too had offered his services to the Confederacy and had been rejected on ac-

1. This address is printed in Peele's *Lives of Distinguished North Carolinians*, 229-255.

count of his health. At the close of the year 1860, there were 430 students in the University; on the 15th of October, 1863, there were only 63. In a letter of that date to Jefferson Davis, sending a resolution of the trustees requesting that students might be exempt from military service until they had finished their college work, President Swain gives us a vivid idea not only of the difficulties with which he was contending but also of the terribleness of war. Says he:

"A simple statement of the facts, which seem to me to be pertinent, without any attempt to illustrate and enforce them by argument, will, I suppose, sufficiently accomplish the purposes of the trustees.

"At the close of the collegiate year 1859-'60 (June 7, 1860), the whole number of students in our catalogue was 430. . . .

"Of the eight young men who received the first distinction in the Senior class, four are in the grave, and a fifth a wounded prisoner. More than a seventh of the aggregate number of graduates are known to have fallen in battle.

"The Freshman class of eighty members pressed into service with such impetuosity, that but a single individual remained to graduate at the last commencement; and he in the intervening time had entered the army, been discharged on account of impaired health, and was permitted by special favor to rejoin his class.

"The faculty at that time was composed of fourteen members, no one of whom was liable to conscription. Five of the fourteen were permitted by the trustees to volunteer. One of these has recently returned from a long imprisonment in Ohio, with a

ruined constitution. A second is a wounded prisoner, now at Baltimore. A third fell at Gettysburg. The remaining two are in active field service at present.

“The nine gentlemen who now constitute the corps of instructors are, with a single exception, clergymen, or laymen beyond the age of conscription. No one of them has a son of the requisite age, who has not entered the service as a volunteer. Five of the eight sons of members of the faculty are now in active service; one fell mortally wounded at Gettysburg; another at South Mountain.

“The village of Chapel Hill owes its existence to the University, and is of course materially affected by the prosperity or decline of the institution. The young men of the village responded to the call of their country with the same alacrity which characterized the college classes; and fifteen of them—a larger proportion than is exhibited in any other town or village in the State—have already fallen in battle. The departed are more numerous than the survivors; and the melancholy fact is prominent with respect to both the village and the University, that the most promising young men have been the earliest victims.

“Without entering into further details, permit me to assure you as the result of extensive and careful observation and inquiry, that I know of no similar institution or community in the Confederacy that has rendered greater services, or endured greater losses and privations, than the University of North Carolina, and the village of Chapel Hill.

“The number of students at present here is 63. . . .

“A rigid enforcement of the conscription act may

take from us nine or ten young men with physical constitutions in general, better suited to the quiet pursuits of literature and science than to military service. They can make no appreciable addition to the army; but their withdrawal may very seriously affect our organization, and in its ultimate effects cause us to close the doors of the oldest University at present accessible to the students of the Confederacy."¹

President Davis issued the order requested, declaring that "the seed-corn should not be ground up." But the exigencies of war became too pressing, and within another year the order was recalled and every student at the University capable of bearing arms joined the Confederate army. Nevertheless the doors of the University remained open; even after the Confederacy had fallen and the buildings of the University turned into barracks and stables for the 4,000 Michigan cavalry which occupied Chapel Hill, the old bell was rung daily, prayers were said in the Chapel, and the dozen students, who had wandered back to their old haunts, this one with an arm missing, that one without a leg, veterans in their youth, attended their daily recitations. It was a noble, an heroic achievement, and Swain was justly proud of it as the greatest thing in his life.

But what war failed to do, Reconstruction did. No sooner had the State fallen into the power of the carpet-bag leaders and their black followers, than they seized upon the University, demanded the resig-

1. Weeks, Stephen B.: University of North Carolina in the Civil War, 25-27; the substance of the letter is given in Battle: History of the University of North Carolina, I., 732-4.

nation of the President and faculty, sent a guard of negroes to take possession, and, for the first time since 1795, closed up its doors. Fortunately for Swain he had not long to endure this humiliation, to contemplate this ruin of his life's work. In August, 1868, he was thrown from a buggy and severely injured. After lingering for two weeks, on the morning of August 27, he suddenly fainted, and expired without a pain.

Governor Vance, a life-long and intimate associate, in the address from which I have already quoted, gives what seems to me to be a calm and judicious estimate of Swain's life and work. "In many senses of the term Governor Swain was not a great man." As a politician, a lawyer, a judge, a scholar, he is not to be ranked among the great men of North Carolina. "But," says Vance, "in many things he was entitled to be called great, if we mean by that term that he so used the faculties he possessed that he raised himself beyond and above the great mass of his fellows. In him there was a rounded fullness of the qualities, intellectual and moral, which constitute the excellence of manhood, in a degree never excelled by any citizen of North Carolina whom I have personally known, except by William A. Graham. If there was in Swain no one grand quality of intellect which lifted him out of comparison with any but the demigods of our race neither was there any element so wanting as to sink him into or below the common mass. If there were in him no Himalayan peaks of genius, piercing into the regions of everlasting frost and ice, neither were there any yawning chasms of slimy pools below the tide-waters of mediocrity. He rose from the plain of his fellow-men like the Alle-

ghanies, in whose bosom he was born, by regular and easy gradations—so easy that you know not how high you are until you turn to gaze backward—every step surrounded by beauty and fertility—until he rested high over all the land. If there be those who singly tower above him in gifts, or attainments, or distinctions, there are none whom as a whole we can contemplate with more interest, affection, and admiration; none whose work for North Carolina will prove to be more valuable, or more lasting, or more important to future generations; none to whom, at the great final review, the greeting may be more heartily addressed: ‘Servant of God, well done!’ ”

IV

Calvin Henderson Wiley¹

Ray
The political reforms instituted by the Convention of 1835 placed the government of North Carolina in control of the people of the State, and thus paved the way for carrying into effect the educational program of Archibald D. Murphey. After his death, nearly a quarter of a century elapsed before another leader appeared to take up the work that he had begun. At the time of Murphey's death the net result of his labors for public education was the creation of the Literary Fund and organization of the Literary Board. But several years were yet to pass before the Legislature was ready to take its own work seriously. Although they had solemnly set aside this Literary Fund for educational purposes, for ten years the Legislature had not the moral courage to resist the temptation to use the income arising from this fund for other purposes of the State Government. In a single month of 1832 as much as \$64,000 of the Literary Fund was "borrowed" and diverted

1. See also: Connor, R. D. W.: Calvin Henderson Wiley, *Biog. Hist. of N. C.*, II, 427-41; Weeks, Stephen B., "Beginnings of the Common School System in the South," Report of the U. S. Commissioner of Education, 1896-97, Ch. XXIX.; Joyner, J. Y.: Calvin Henderson Wiley, *N. C. Day Program*, 1905; Mebane, C. H., *Biennial Report of the Superintendent of Public Instruction of North Carolina*, 1896-97 and 1897-98.

to other uses than that for which it was created. The treasurer uttering a vigorous protest against this policy, compared the Legislature to the "improvident heir, who wastes in mere indolence what has been saved by the industry and economy of the ancestor for the lasting improvement of the inheritance."¹

In 1836, however, the Literary Fund was suddenly increased to an amount that made it large enough to command the respect even of the Legislature. In that year, as I stated in my opening lecture, the surplus revenue of the Federal Government was distributed to the several states; and of her share of this fund North Carolina devoted \$1,133,757.39 to the Literary Fund. In 1838, the funds of the Literary Board amounted to more than \$1,390,000 and yielded an income sufficient to give a public school system a fair start. Accordingly the public school law of 1839, which I have already discussed, was enacted, and in 1840 was adopted by all except seven of the counties in the State. There was, however, one fundamental defect in this act. The Literary Board was made the executive head of the school system, and this Board, from the very nature of its composition, was inadequate to attend properly to the variety of duties incumbent upon the executive of such a system. A single executive head was needed. Recommendations for the creation of the office of superintendent of common schools were continuously urged upon the Legislature during a period of twelve years, but with no results. The system accordingly found-

1. The proceedings and reports of the Literary Board are printed in Coon: Public Education in North Carolina, II, *seriatim*.

ered about on an unexplored sea without a pilot and was on the point of going to wreck when Calvin H. Wiley appeared and took hold of the helm.

(Born in 1819, prepared for college at the Caldwell Institute in Greensboro, a graduate of the University of North Carolina, Wiley was admitted to the bar in 1841, and settled in the town of Oxford. Clients were few, and the young attorney found more time than cases on his hands. This time he devoted largely to literary pursuits, in which he always delighted. From 1841 to 1843 he edited the Oxford *Mercury*. In 1847 he published an historical novel called "Alamance; or the Great and Final Experiment." Two years later a second novel appeared under the title of "Roanoke; or where is Utopia?"

Roy

But the author found graver work awaiting him than the writing of romances. A close observer of the educational and industrial conditions in North Carolina, he wrote feelingly and eloquently of what he saw. Among other things, he noticed with great solicitude that the people of North Carolina, unaware of the immense resources of their own State, were deserting her by the thousands, seeking in other regions fields for imaginary advantages. (He wrote that the State had "long been regarded by its own citizens as a mere nursery to grow up in;" that it had become a great camping ground, the inhabitants considering themselves as merely tenanted here for a while; that thousands sought homes elsewhere, whose sacrifices in moving would have paid for twenty years their share of taxation, sufficient to give to North Carolina all the fancied advantages of those regions whither they went to be taxed with disease and suffering; that the melancholy sign, "For sale,"

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me seemed plowed in deep, black characters over the whole State; and that even the State flag which waved over the capitol, indicating the sessions of the General Assembly, was jestingly called by our neighbors of Virginia and South Carolina an auctioneer's sign. The "ruinous effects," he wrote, "are eloquently recorded in deserted farms, in wide wastes of guttered sedgefields, in neglected resources, in the absence of improvements, and in the hardships, sacrifices and sorrows of constant emigration."¹

In addition to this deplorable condition of affairs, Wiley observed that:

me "It is a fact worthy of being universally known that North Carolina is considered by bookmakers the best mart in the world for uncurrent and trashy productions, and the very refuse of literary quackery is sent out here and circulated among our people. For most of the works of this sort Northern publishers have agencies all over North Carolina, and thus while there are none to circulate our own books, and the people are kept in ignorance of their own history and of the character and resources of their State, they are drugged with foreign narcotics and heavily taxed for the benefit of fabrics that will not sell and cannot be sold where they are manufactured."²

These two evils caused him no little anxiety about the future of the State. Careful study of the situation revealed to him but one remedy—universal education. The children must be taught to know and appreciate the opportunities offered at home, and

1. Report of 1853, 26. Leg. Doc., 1854-55.

2. Weeks: "Beginning of the Common School System in the South." Report of the U. S. Commissioner of Education for 1896-97, 1432.

must be given the training necessary for intelligent use of those opportunities. Year by year the conviction grew steadily upon him that he could render no greater service to North Carolina than by revealing the State to herself through a complete system of public schools. Abandoning personal ambition, he threw himself into this new work with all the energy of his ardent nature.

A study of the public school law of 1839 convinced him that the first step toward reform must be the creation of the office of superintendent of common schools; and to the accomplishment of this object he now set himself with the accustomed vigor of the young reformer on fire with zeal and ambition.

In order to introduce the necessary reforms, he desired a seat in the General Assembly. As he realized that there was no chance of his obtaining this in Granville county, he returned to his native Guilford, and was at once elected a member of the General Assembly of 1850-51. During this session he introduced a bill providing for the appointment of a superintendent of the common schools. He supported his bill with a speech of great power and eloquence, but failed to secure its passage. Disappointed but not disheartened, he again stood for election and was returned. Through his influence a similar bill was introduced by J. B. Cherry of Bertie and passed both Houses.¹ This Act provided for the election of a superintendent by the General Assembly. He was to hold office for a term of two years, or until his successor should be duly appointed and qualified. His duties, as outlined by the act, con-

1. Chapter 18, Public Acts of 1852.

sisted of the usual ones, such as collecting information, making proper reports, seeing to the enforcement of the school laws, etc. But in the words of Dr. Wiley:

me "The head of the common-school system ought to study; like the leader of an army, he ought to have the whole field before him and to initiate every general movement with great care. He ought to study other systems as well as his own; he needs a previous preparation just as much as a lawyer, engineer, or physician."¹ "His duties cannot be expressed by law, and if he does not possess the spirit of his station, a conformity to the mere letter of legal requirements . . . will not be a discharge of his duties to the public. He is the chief executive head of the system; . . . he ought to be the chief thinking mind; the organ of intercommunication among its parts; the recording memory also of the system. He has also to be the heart as well as the head of the system, infusing into it life, animation and hope, encouraging the desponding and stimulating the energies of the enthusiastic."

This law once passed, it became necessary to find a man of sufficient ability to undertake the arduous and responsible duties of the office. All voices called on one man. Though he was a Whig, and the Legislature was Democratic, yet State patriotism prevailed over party allegiance, and without solicitation on his part, Wiley was elected in December, 1852. On January 1, 1853, in the thirty-fourth year of his age, he entered upon the duties of his office. Surely no man ever undertook an arduous task with

1. Report of 1855, 24. Leg. Doc., 1854-55.

a greater sense of the vast personal responsibility that lay upon him. He realized that upon his conduct of the duties of his office depended the life of the common schools. He had everything to do and everybody to instruct. The compass of experience by which he might steer his course, seeking the channels of safety and avoiding the shoals and whirlpools of danger, was lacking to him. But he did not flinch from his duty. His steady hand grasped the helm, guided by a penetrating insight into the murky conditions surrounding him and supported by a heart strong through faith in his cause, in his people and in divine guidance.

The attempt to establish a system of public schools in North Carolina, owing to the lack of proper organization and the absence of an efficient executive head, had proved worse than a failure. Teachers were scarce and inefficient, schoolhouses were worthless, uncomfortable, unhealthy, and inadequate for their purposes, money was squandered, results were meagre, and the confidence of the people in the schools absolutely destroyed.

As a consequence of these conditions, Dr. Wiley found himself faced at the outset by six difficulties:¹ First, the diversified character of the people, resulting in a lack of sympathetic harmony fatal to a systematic conduct of the schools; second, the novelty of the common school idea, from which grew misconceptions of the purposes of the schools and an im-

1. The discussion of Dr. Wiley's tasks, problems, policies and measures is based on all his reports, speeches, etc., and it is not always practicable to cite the reader to specific utterances in support of every statement. His entire series of reports must be studied as a whole.

patience at their necessarily slow work; third, the illiteracy of the population, which gave birth to a mistrust of the ability of the people to conduct successfully a system of schools; fourth, the erroneous idea that the common schools were mainly charity schools for the poor, from which grew a distaste among many people to accept their benefits; fifth, the lack of feeling of responsibility for the schools among the citizens of the State causing difficulty in getting efficient men to fill the official positions in the counties; finally, the scarcity of teachers, which, of course, struck at the very roots of the system. To meet and overcome these obstacles, there were, as Dr. Wiley wrote, "a thousand little springs invisible to the casual observer to be delicately touched, a thousand nameless duties to be performed, a thousand crosses and difficulties unknown to the world at large."

He went about his work with determination, energy, and patience, having at the beginning six objects in view. They were: To gain information for his own guidance; to let teachers, officers and pupils know and feel that the State as a State was really interested in their welfare; to diffuse information on public school systems in general and the North Carolina system in particular; to enforce the laws; to initiate himself all needful reforms; and finally, to make the schools supply themselves with teachers.

The work was slow, discouraging and tedious, and the superintendent was often compelled to draw heavily on his fund of patience. The results were far beyond his calculations. Old friends were discovered, new ones made and enlisted in the work; enemies were met and routed; tardy officers were

spurred on to more diligent and efficient work; incompetent ones found out and removed; many misconceptions were corrected; colleges, high schools and academies were awakened to a sense of their vital interest in the common schools; unity was gradually introduced into the system; and school men in all parts of the State and in all phases of educational work were taught to see that the interests of all were bound together in one great and ever-widening circle.

One of the most apparent evils which it was necessary for the superintendent to reform was the multiplicity and frequent changes of text-books. Dr. Wiley was often called upon to interfere in this matter, and he felt justified in using all his authority to suppress the evil. "The object of my efforts," he wrote,¹ "was, first to drive from our schools bad books; second, to prevent frequent and injurious changes; . . . and third, to secure the use of a uniform series, whereby expense would be avoided and teachers would be enabled to arrange their pupils in classes." Where suitable text-books could not be found, he set to work with characteristic energy to prepare them himself, always bearing in mind his original desire to awaken North Carolinians to a sense of the great resources of their State. For instance, he notified publishers that he would not approve of any Geography unless he was allowed to correct the text so far as it related to North Carolina. Several publishers consented to this, and he selected "Mitchell's Intermediate Geography." To this book he added an appendix giving a condensed

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1. Report of 1853, p. 10. Leg. Doc., 1854-55.

me but accurate account of the State. He directed the preparation of a new map, showing all the railroads, plank roads, and intended routes of travel; and in other ways emphasized the resources and opportunities of the State. "The time is coming," he said with reference to this work, "when very material changes will be effected in the routes of commerce. All things considered, the finest agricultural country in the world is the valley of the Mississippi and its tributaries. . . . Between the nearer Atlantic and this vast granary of the West and Southwest stands the imposing barrier of the Allegheny Mountains, long thought to be an impassable wall, and a limit to the iron track of commerce. But modern science has overcome greater difficulties to secure . . . the shortest passage, and the gallant states of Virginia and Georgia are already storming those heights with every prospect of success, and none of these have so great inducements to undertake the enterprise as the people of North Carolina. Nearly midway the Atlantic coast, in a temperate and healthy climate, is the unchangeable, safe and capacious harbor of Beaufort, and from hence through our fertile uplands and the gorges of our own beautiful mountains, lies the shortest route to the great Southwest. To foreshadow the grand commercial destiny we might attain on the youthful mind of the State and prepare it to grasp and realize the magnificent consummation, I took much pains to have all the proposed railroads over the mountains and their bearings and connections made familiar to the publishers of the geography in question."¹

1. Ibid, 27.

Nothing in Dr. Wiley's long career of usefulness to the State better illustrates his unselfish devotion to her interests than his action in regard to a series of North Carolina readers prepared by himself for use in the schools. The purpose of the work was the same as that of his supplement to Mitchell's Geography. It contained a "familiar history and description of the State, with compositions in prose and verse by distinguished North Carolinians." "Its object," said he, "was obvious; and to all acquainted with our peculiar position, our desponding and erroneous estimate of our resources, and the history of that singular and remarkable exodus or emigration which for years has retarded our progress in every species of improvement, the uses of such a work, well compiled, were fully apparent."¹ He had begun the readers before his elevation to the superintendency of the common schools, but upon assuming the duties of his office he felt that he ought not to have any investment in school-books. He therefore made arrangements for Dr. F. M. Hubbard, Professor of English Literature in the State University, to complete the work, and sold the stereotype plates of his readers and all the copies on hand to A. S. Barnes & Company of New York at original cost. By this arrangement Dr. Wiley received nothing for his valuable copyright, no profit on his books and no pay for his work and expense, besides losing three years' interest on the original investment.² There was nothing ostentatious about this; it was done quietly, and solely that the books

1. Ibid, 11.

2. Ibid, 26-27, 49-50.

might be more useful. The readers were received with every mark of approval.

By far the most important problem the superintendent was called upon to solve was the problem of supplying teachers. Dr. Wiley went about this matter with his usual energy and wisdom. As he stated it the problem was: "How were eight hundred to a thousand old-field school-teachers to be utilized in a system of one genius, one law, and one end, when to each his own school had long been the educational world, of which he was the center and sovereign?"¹ And how were the 1500 or 2000 new teachers needed to be supplied? He aimed ultimately at normal schools, but in the beginning these were out of the question. For the present the common schools must supply themselves. He considered that their ability to do that would be the best test by which to judge of their character and success. He devised a plan, simple but effective, by which teachers not only could be supplied, but also aroused to study and continuous self-improvement. In order to test the results of his plan, he sent to each chairman in the State a circular asking what had been his observation of it. Fifty-five answers were received. One said, "bad;" one said, "no change;" four were "in doubt, but hopeful;" forty-nine thought the plan "good." In this way pupils leaving the common schools could enter the ranks of the teachers and gradually work to the top. As a result of his plan, Dr. Wiley asserted with some pride that those who now became teachers, sought places in the public

1. Weeks: Beginning of the Common School System in the South, 1436.

schools in preference to conducting private schools, though formerly the reverse had been true.

But it was not enough simply to supply the demand for teachers; it was equally essential that a constant pressure be brought to bear on them for improvement. Besides the annual examinations, Dr. Wiley conceived and put into execution three other schemes: the establishment of a Teachers' Library Association in each school district; the publication of the *North Carolina School Journal*; and the organization of the Educational Association of North Carolina.¹

Through the Teachers' Library Association, the teachers of the common schools were supplied with professional literature, for Dr. Wiley constantly urged upon them the necessity of studying their profession. He himself set the example. His words are as true now as they were then, when he said: "Scatter judiciously over the State good copies of any good work on education and it will create a revolution."²

The superintendent constantly felt the need of an organ of communication between the various educational forces of the State. To serve this purpose, he turned over in his mind plans for the establishment of an educational journal. The first number appeared in 1856, under the name of the *North Carolina Common School Journal*. It was to be issued quarterly from Greensboro. After an existence of two years, during which time it was kept alive only by Dr. Wiley's unlimited zeal and energy, it was adopted as the official organ of the North Carolina

1. Ibid, 1447-52.

2. Report of 1854. 44. Leg. Doc. 1854-55.

Teachers' Association; its name was changed to the *North Carolina Journal of Education*, and Dr. Wiley was elected editor-in-chief, assisted by fourteen associate-editors. The list of subscribers was small and the financial difficulties great, yet the journal took and kept a high place among its contemporaries. Though the war soon forced half of its exchanges to suspend publication and though the difficulty in getting paper increased daily, the journal held its own until 1864. In March of that year, the printing establishment of Campbell & Allbright, from which the journal was issued, was destroyed by fire, and along with it the journal fell. Its influence for good in North Carolina was beyond calculation.

The same year in which the journal was established witnessed another of Dr. Wiley's triumphs. Numerous efforts had previously been made in the State to organize a teachers' association, but all had failed ignominiously. On one occasion the meeting had been widely advertised, and on the appointed day one teacher appeared. However, Dr. Wiley was a courageous man and was not to be daunted by the failure of others. In October, 1856, at Salisbury, he succeeded, after strenuous efforts, in organizing the educational forces of the State into a Teachers' Association. Six other meetings followed, all of them well attended, not only by men prominent in educational work, but also by many prominent in the other professions and in business life. The Association was on the high road to greater usefulness when it fell to pieces amid the thunders of war. Dr. Wiley considered the *Journal of Education* and the Teachers' Association his two chief aids in promoting the common school system.

He labored long and faithfully; he met and overcame almost insuperable difficulties; and he placed his State foremost among the States of the South in the education of her children. During the decade from 1850 to 1860, covering the period of Dr. Wiley's work, although the population of the State increased less than 14 per cent., the number of children in the common schools increased more than 36 per cent. In 1850 the percentage of illiteracy in the State among the voting population was 29.2; by 1860 this had been reduced to 23.1. In 1850 Dr. Wiley had been alarmed at the neglect of our wealth-producing resources. At the close of the decade he had ample grounds for declaring that a great revolution was silently going on in North Carolina. Dr. Wiley's fears for the future of the State had been aroused by the constant stream of emigration from her borders. By 1860 the outward current had been checked and an inflowing current started. The spirit of education was revealing itself in the industrial progress of the State; in the generally awakened confidence in her resources; and in the growing attachment for home. The blight which had fallen on North Carolina was about to vanish under the touch of his strong hand.¹

Of the general success of the common school system in 1860, Wiley said:

"The educational system of North Carolina is now attracting the favorable attention of the States south, west, and north of us. . . . All modern statistical publications give us a rank far in advance of the position which we occupied in such works a

1. See his Report for 1859. Leg. Dec.

few years ago; and without referring to numerous other facts equally significant, our moral influence may be illustrated by the fact that the superintendent of common schools was pressingly invited to visit, free of expense, the legislature of the most powerful State south of us (Georgia), to aid in preparing a system of public instruction similar to ours. He receives constant inquiries from abroad in regard to our plan; and beyond all doubt our schools, including those of all grades, are now the greatest temporal interest of the State. . . . North Carolina has the start of all her Southern sisters in educational matters. . . . If then she is true to herself, and justly comprehends the plain logic of the facts of her situation, she will now . . . prudently and courageously advance in the direction which leads alike to safety, to peace, and to prosperity. . . . Such action is not merely important as likely to lead to future greatness; it is also a defensive and imperative necessity of the present. If the Union remains, no one will deny the importance, to our peace as well as honor, of having a strong and prosperous State, able to command the respect of her confederates; if the Union is dissolved, then North Carolina is our only country for the present, and our present security and future hopes will depend on her power to stand alone or honorably to compete with rivals in a new confederacy."¹

Whatever the success that had been attained was admitted by all to be due to the genius of Calvin H. Wiley. So universal was the confidence felt in his ability and integrity, that he numbered his sup-

1. Report for 1860. Part II., 7-9.

porters in all ranks and conditions of life, in all religious denominations and in all political parties, and received hearty support from all. A Whig when elected by a Democratic legislature, he retained his party affiliations and voted according to his political convictions, and yet was continuously re-elected by a legislature generally Democratic at a time when party feeling ran high. On one occasion the Democrats in the legislature moved his election at the beginning of the session, in order to forestall the rise of party passion and the possibility of a Democratic opponent.

This confidence reflected no little credit on the Democratic Party, and the results showed that it was not misplaced. Dr. Wiley was met at the beginning of his work by six obstacles. He had found the people separated by their diversified characters and aspirations; he gave them a common interest and united them in a common effort to promote a common cause; he found them ignorant of the common school idea, he taught them by unanswerable example and filled their minds and hearts with knowledge of and pride in their educational system; he found them diffident of their ability to manage; he put them to the test and compelled their confidence in themselves and their schools; he found their minds filled with errors, he turned on them the light of knowledge and they vanished like mist before the sun; he found them indifferent, he roused their enthusiastic support; he found a vineyard without laborers, he created an army of devoted workers.

But with the outbreak of the war came the supreme test. North Carolina seceded from the Union

May 20, 1861. It became apparent from the first that an attack would be made upon the school fund for the purpose of converting it into revenue for the support of the war. Dr. Wiley was filled with great anxiety and began at once to prepare for the attack. He first sought the support of the county officials by issuing to them a very able circular, giving the arguments in favor of preserving the school fund intact for school purposes. His next step was to win the governor and his council. Previous to the meeting of the first war legislature, he appeared before them to present his case. His statement was able and his appeal eloquent. "No people," he exclaimed, "could or would be free who were unable or unwilling to educate their children;" and the fact that the State was waging a war for independence was an additional reason why the schools should be kept open. He cried out with indignation against those who were so short-sighted as to "think that a war for political, social, commercial and intellectual independence could be waged with better results by arresting or destroying all those springs of life on which national wealth and greatness are founded." The governor and the members of his council were completely won over, and entered into a solemn, though informal, covenant to support the superintendent in resisting any attack on the school fund. This agreement, be it said to Governor Ellis's credit, was faithfully kept, and the precedent thus set was followed by his successors.

Dr. Wiley was ably assisted in this work by the North Carolina Teachers' Association. In November, 1861, the association presented a memorial to the constitutional convention, then in session, pray-

ing that "by an amendment to the constitution the proceeds of the common school fund be sacredly and permanently secured to their original purposes."

It was well that the superintendent and the friends of education prepared their forces for attack. It came soon after the assembling of the Legislature. Both sides received able support. In the Senate, Governor John M. Morehead led the defense. Outside the work of Dr. Wiley was arduous, skilful and effective. Nothing shows better than this fight the strength of the system built up by Dr. Wiley. Its powerful aid was invoked and the bill providing for the use of the school fund for war purposes was defeated. When the Legislature adjourned, the battle was won, for succeeding Legislatures followed the example thus set and the school fund was unmolested.

And so the schools were kept open, but, of course, they felt the strain of war. From this time onward their existence was a struggle heroically maintained by the superintendent. The remarkable feature is not that the system became impaired, but that it did not fail altogether. That it did not do so was due to the energy and zeal of Calvin H. Wiley; he refused to yield to discouragements, but labored incessantly for the betterment of the system. While the country lay bleeding in the iron grip of war we find him planning a system of graded schools and actually getting a bill for their establishment through the House of Commons. It was also reported favorably by the Senate Committee, but had to be tabled, because of the pressure of more urgent business. The task before Dr. Wiley was more than human ability could cope with successfully. Diffi-

culties increased daily. The attention of the people was attracted from the ordinary affairs of life by the novelty and the suffering of war. Many thought it best to suspend the schools altogether. It was hard to get text-books. It was hard to get capable officials. It was hard to get teachers. In spite of all these difficulties, the report of 1863 shows 50,000 children in the common schools. Referring to this fact, Wiley says:

"The future historian of this stirring age will not fail to find evidences of the moral energy which this fact implies; for he will see that these schools had to be chiefly supplied with books written and printed in the State after the commencement of the revolution and in face of incredible difficulties, that they were all regularly visited by a State Journal of Education at a time when periodical literature was at a low ebb, and that educational associations still held their meetings, and still discussed plans for popular improvement."¹

"The present generation does not need to be told that it was hard to keep up a general educational system in any part of the Confederate States of America during the year 1863 . . . and it is, therefore, a subject of devout gratitude to me to be able to announce that our common schools still live and are still full of glorious promise. Through all this dark night of storm their cheerful radiance has been seen on every hill and in every valley of our dear old State; and while the whole continent reels with the shock of terrible and ruthless war, covering the face of nature with ruin and desolation,

1. Report for 1863, 7 Leg. Doc. 1863.

there are here scattered through the wilderness, hundreds of humming hives, where thousands of youthful minds are busily learning those peaceful arts which, under the blessing of God, are to preserve our civilization and to aid in perpetuating the liberty and independence for which this generation is manfully contending. This prospect more than repays all the toils, anxieties, and vigils of those to whose keeping is committed the great moral trust; and if the labors, denials, and responsibilities of those who nurse our educational system are unnoticed in this stirring and martial age, they have in their own hearts a consolation infinitely more valuable than any reward the world can confer."¹

But the end was drawing near. The distressing condition of the people and the depreciation of the currency made it almost impossible to continue the schools. Dr. Wiley never for an instant relaxed his energy, but the task was beyond the power of man, and with the close of the war the schools went down for lack of funds. The superintendent was in his office in the capitol when the surrender of General Joseph E. Johnston was announced to him, April 26, 1865. Even then he did not cease from his labors. He retained his office until October 19th, when by an ordinance of the constitutional convention all offices held on April 26, 1865, were declared vacant. And in 1866 the office of superintendent was abolished for the want of funds to meet the expenses.

With his going out of office Dr. Wiley closed his official connection with the common school system, though he never lost active interest in educational

1. Ibid, 3-4.

matters. He had given the best years of his life to the cause, and surely no man ever laid down his work with a better right to the gratitude of contemporaries and of posterity.

After the close of the war a new system of public schools was built up in North Carolina upon the old foundation laid by Dr. Wiley. In 1876 he was asked to become the candidate for the superintendency of public instruction, but having recently been ordained as a minister of the gospel, he declined on the ground that his sacred calling prevented. He interested himself, however, in the establishment and organization of the city schools of Winston, where he made his home during the last years of his life. His voice and pen were given to the cause, and when established he was called to the chairmanship of the first Board of Commissioners. This place he held till his death, January 11, 1887.

The fame of his services is limited neither by State boundaries nor by the lapse of years. His reputation was national, and his school system was recognized as one of the best in the United States. At the National Convention of Educators held in Cincinnati in August, 1858, Dr. Wiley was on the program as "one of the distinguished educators who would address the convention" along with Horace Mann. He received an invitation to visit the Legislature of Georgia to aid in preparing a system of schools similar to those he had established in North Carolina. He could not go, and he was then urged to prepare an essay on the subject, to be read to the Legislature. The Boston (Massachusetts) Post of May 1, 1856, says that Dr. Wiley's report for 1855 is "written with ability and shows that Mr. Wiley has

largeness of views and a zeal and energy in the duties of his office which eminently fit him to fill the responsible position which he now occupies." Since his death, one of the school buildings in the city of Raleigh has been given his name. In the city of Winston the school children have erected a handsome monument to his memory, and but recently the thousands of school children of North Carolina, contributing each a penny, have presented to the State a handsome marble bust which will preserve his features for succeeding generations.

There have been greater men in the history of North Carolina than Calvin H. Wiley, men of more pre-eminent abilities, men of greater originality of thought, men of greater powers for arousing their fellow men; but there has been no man in our history who displayed a more unselfish devotion to a great cause, who advanced its interests with greater energy, or who achieved for it a more distinctive success, and no man who better deserves those evidences of approval and gratitude which mankind from the earliest dawn of history have erected in honor of the distinguished dead. I do not know how a man's work in the world is to be weighed and measured if it be not by its contributions to the sum total of those achievements which go to make up our civilization. If these contributions be for the permanent upbuilding of civilization, the work deserves to be called a great work, and the man who does it a useful man in his day and generation. Measured by these standards, are we not justified in giving Calvin H. Wiley a foremost place among the "Ante-Bellum Builders of North Carolina?"

John Motley Morehead¹

Along the line of the North Carolina Railroad, from its eastern terminus at Goldsboro to its western terminus at Charlotte, lie eleven counties embracing six thousand square miles of territory, now one of the most prosperous and productive regions in North Carolina. During the decade from 1840 to 1850, perhaps no other State on the entire Atlantic seaboard could have exhibited a stretch of country of equal area which presented to the patriotic citizen so discouraging a prospect or so hopeless an outlook. Such a citizen traversing this region would have found public roads and methods of travel and transportation that were primitive when George III. claimed the allegiance of the American colonies. Delays, inconveniences, and discomforts were the least of the evils that beset the traveler who en-

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1. See also Connor, R. D. W.: "John Motley Morehead; Architect and Builder of Public Works." Publications of the North Carolina Historical Commission, Bulletin No. 12. Smith, C. Alphonso: "John Motley Morehead," *Biog. Hist. of N. C.* II, 250-59, also printed in *South Atlantic Quarterly*, V. I. Kerr, John: "Oration on the Life and Character of John M. Morehead;" In *Memoriam of John M. Morehead*, Raleigh, 1868; Scott, William Lafayette: "Tribute to the Genius and Worth of John M. Morehead," *Ibid.* Wooten, Council, "Governor Morehead," *Charlotte Daily Observer*, Sept. 30, 1901.

trusted life and limbs to the public conveyances of that period. The cost of transportation was so great that the profits of one-half the planters' crops were consumed in getting the other half to market, and hundreds of them found it profitless to produce more than their own families could use. In 1853 a traveler, within thirty miles of the State Capitol, saw "three thousand barrels of an article worth a dollar and a half a barrel in New York, thrown away, a mere heap of useless offal, because it would cost more to transport it than it would be worth."¹

Under such conditions there could be, of course, no commerce, and without commerce no markets. Such commerce as the produce of the fertile valleys and plateaus of the Piedmont section created found its way to the markets of Virginia and South Carolina; and among the people who dwelt west of Greensboro, declared Governor Morehead in 1842, "Cheraw, Camden, Columbia, . . . Augusta, and Charleston are much more familiarly known than even Fayetteville and Raleigh."² In all the region from Goldsboro to Charlotte, Raleigh, then a straggling country village, was the only town of sufficient importance to be noted in the United States census of 1850. This section, now the heart of the manufacturing region of the South, reported to the census takers of that year no other manufactures than a handful of "homemade" articles valued at \$396,473. The social and labor systems upon which the civilization of the State was founded confined the

1. Olmsted: *A Journey in the Seaboard Slave States*, 1853-1854, I., 369.

2. *Annual Message to the Legislature. Journal*, 1842-43, 409.

energies of the people almost exclusively to agriculture, yet their farming operations were so crude and unproductive that a traveler, commenting on the agriculture in the vicinity of Raleigh, found it "a mystery how a town of 2,500 inhabitants can obtain sufficient supplies from it to exist."¹ This was not the view merely of an unsympathetic stranger. Calvin H. Wiley, attempting to arouse his fellow members of the Legislature of 1852 from their indifference and lethargy, after referring to the "magnificent capitol" in which they sat, exclaimed, "But what is the view from these porticoes, and what do we see as we travel hither? Wasted fields and decaying tenements; long stretches of silent desolation with here and there a rudely cultivated farm and a tottering barn."²

Such was the view which Central North Carolina presented to the keen eyes of John M. Morehead when, in the closing days of 1840, he journeyed from Greensboro to Raleigh to assume his duties and responsibilities as Chief Magistrate of the Commonwealth. As desolate as the prospect was, however, Morehead's foresight saw in it not a little to give him courage. He must have realized that North Carolina was standing at the turn of the road and that much depended on the wisdom and prudence with which he himself directed her choice of future routes. Four years before a new Constitution, profoundly affecting the political life of the State, had gone into operation, from which Morehead, and

1. Olmsted: *A Journey in the Seaboard Slave States*, I, 357.

2. Speech in support of his Bill to create the office of Superintendent of Common Schools.

other leaders who thought as he did, had prophesied great results for the upbuilding of the State. This new Constitution had paved the way for the work of a small group of constructive statesmen, of whom Morehead was now the chosen leader, who were destined to direct and lead the public thought of North Carolina during the quarter century from 1835 to 1860.

Among these men two distinct types of genius were represented. On the one hand there were the dreamers—men who, like Archibald D. Murphey, had the power of vision to see what the future held in store for their country, who wrote and spoke forcibly of what they foresaw, but lacked the power to convince men of the practicability of their visions. On the other hand there were the so-called practical men—men who knew well enough how to construct what other men had planned, but lacked the power of vision necessary to see beyond the common everyday affairs that surrounded and engrossed them. Once in an age appears that rare individual, both architect and contractor, both poet and man of action, to whom is given both the power to dream and the power to execute. Such men write themselves deep in their country's annals and make the epochs of history.

In the history of North Carolina such a man was John M. Morehead. Those who have written and spoken of Governor Morehead heretofore have been chiefly impressed with his great practical wisdom, and this he certainly had as much as any other man in our history. As for myself, what most impresses me after a careful study of his life and works, is his

wonderful power of vision. He was our most visionary builder, our greatest practical dreamer. No other man of his day had so clear a vision of the future to which North Carolina was destined, or did so much to bring about its realization as Governor Morehead. It is no exaggeration to say that we have not now in process of construction, and have not had since his day, a single great work of internal improvement of which he did not dream and for which he did not labor. He dreamed of great lines of railroad binding together not only all sections of North Carolina, but connecting this State with every part of the American Union. He dreamed of a network of improved country roads leading from every farm in the State to all her markets. He dreamed of a great central highway, fed by these roads, finding its origin in the waters of the Atlantic at Morehead City and finally losing itself in the clouds that hang about the crests of the Blue Ridge. He dreamed of the day when the channels of our rivers would be so deepened and widened that they could bear upon their waters our share of the commerce of the world. He dreamed of an inland waterway connecting the harbor of Beaufort with the waters of Pamlico Sound and through the opening of Roanoke Inlet, affording a safe inland passage for coastwise vessels around the whitecaps of Cape Hatteras. He dreamed of the day when the flags of all nations might be seen floating from the masts of their fleets riding at anchor in the harbors of Beaufort and Wilmington. He dreamed of a chain of mills and factories dotting every river-bank in the State and distributing over these highways

of commerce a variety of products bearing the brand of North Carolina manufacturers.¹

Such were his dreams, and the history of North Carolina during the last half-century is largely the story of their realization. It is this fact that gives to Morehead his unique place in our history. He had a distinguished political career, but his fame is not the fame of the office holder. Indeed, no other man in our history, save Charles B. Aycock alone, in so brief a public career, made so deep an impression on the life of the State. The explanation is simple. The public service of each was inspired by a genuine love of the State and consecrated to the accomplishment of a great purpose. The educational and intellectual development which Aycock stimulated was based on the material prosperity of which Morehead laid the foundations. It is, then, his service as architect and builder of great and enduring public works that gives to Morehead his distinctive place in our annals, and it is of this service that I shall speak today.

The simple facts of Morehead's life may be quickly disposed of. He was born in Pittsylvania County, Virginia, July 4, 1796, son of John Morehead and Obedience Motley. In 1798 his parents moved to Rockingham County, North Carolina, where John grew to manhood. He was prepared for college partly under the private instruction of Thomas Settle and partly at the Academy of Dr. David Caldwell, near Greensboro. He afterwards entered the University of North Carolina, from which he was

1. See his messages to the Legislature and other public addresses.

graduated in 1817. In his junior year he was appointed a tutor in the University. From 1828 to 1866 he served on the Board of Trustees, and in 1849 was President of the Alumni Association. Morehead was the sixth alumnus of the University to become Governor of North Carolina. After his graduation from the University he studied law under Archibald D. Murphey. In 1819, receiving his license to practice, he settled at Wentworth, county seat of Rockingham County, where he lived until his marriage to Miss Ann Eliza Lindsay, eldest daughter of Col. Robert Lindsay, of Guilford County. He then removed to Greensboro which continued to be his home during the rest of his life.

In 1821 he represented Rockingham County in the House of Commons; in 1826, 1827 and 1858 he represented Guilford County in the House, and in 1860 in the Senate. He was one of the delegates from Guilford in the Convention of 1835. In 1840 he was elected Governor, and in 1842 was re-elected. He was the permanent presiding officer of the National Whig Convention, which met at Philadelphia, June 7, 1848, and nominated General Zachary Taylor for the Presidency. By the act establishing the North Carolina Insane Asylum he was designated as Chairman of the Board of Commissioners to locate and build the asylum. In 1857 he was elected President of the association organized for the purpose of erecting at Greensboro a monument to General Nathanael Greene. He was one of the delegates from North Carolina to the Peace Congress at Washington in 1861. In 1861-'62 he was a member of the Provisional Congress of the Confederate States. He died at Greensboro, August 27, 1866.

When Morehead began his public career the prevailing political thought of the State was, in modern political vernacular, reactionary. Representation, as we have seen, was distributed equally among the counties, regardless of population. East of Raleigh, where the institution of slavery was most strongly entrenched, thirty-five counties with a combined population of 294,312, sent to the General Assembly sixteen more Commoners and eight more senators than twenty-seven counties west of Raleigh which had a combined population of 50,205 more people. A property qualification was requisite for membership in the General Assembly and inasmuch as all State officials were elected by the Legislature, not by the people directly, Property, not Men, controlled the government. The theory of Property was that the best government is that which governs least. Adherents of this school of politics thought, therefore, that government had fulfilled its mission when it had preserved order, punished crime, and kept down the rate of taxation. But another school of political thought, originating in the counties west of Raleigh, where the institution of slavery had not secured so strong a foothold, was now beginning to make itself heard. Its adherents favored a constitutional convention to revise the basis of representation, to give to the people the right to elect their chief magistrates, and in other respects to make the government popular in practice as well as in form; and they advocated internal improvements, geological surveys, the conservation of resources, asylums for the insane, public schools, schools for the deaf and dumb and for the blind, and numerous other progressive measures which all

right thinking people now acknowledge to be governmental in their nature. These men were the Progressives of their day.

Morehead found his place among these Progressives. As a member of the General Assembly he was among the foremost in advocating a constitutional convention. He supported measures for the building of good roads, for the digging of canals, for the improvement of inland navigation, for drainage of swamps, and for railroad surveys.¹ He opposed a bill to prevent the education of negroes, moved the appointment of a select committee on the colonization of slaves, introduced a bill providing for their emancipation under certain conditions, and displayed so much interest in measures for the amelioration of the conditions of the slaves that his opponents, when he became a candidate for Governor, charged him with being at heart an Abolitionist.² He endeavored to secure the appropriation of funds to enable Murphey to make his collection of material for the preservation of the history of North Carolina and took a deep interest in all measures for the

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1. In the Legislature of 1821 he voted with the minority for a resolution providing for a Constitutional Convention; for a bill "to provide an additional fund for internal improvements;" in 1826 for a bill to improve the navigation of the Cape Fear below Wilmington, and for a similar bill in 1827, for the survey of a route for a railroad from New Bern through Raleigh to the western counties.
 2. The Raleigh Standard called him an Abolitionist because as a member of the Legislature he "drew a report against the proposition of Mr. Stedman, from Chatham, forbidding the instruction of slaves." Quoted in the Raleigh Register, Jan. 3, 1840.

promotion of public education.³ In 1827, while he was chairman of the Committee on Education, a bill came before his committee to repeal the Act of 1825 which had created the Literary Fund "for the establishment of common schools." Morehead submitted the report of the committee, in which he said:

"Your committee believe that the passage of that act [to establish common schools] must have been greeted by every philanthropist and friend of civil liberty as the foundation on which was to rest the future happiness of our citizens and the perpetuity of our political institutions. . . . From the very nature of our civil institutions, the people must act; it is wisdom and policy to teach them to act from the lights of reason, and not from the blind impulse of deluded feeling. . . . Independent of any political influences that general education might have, your committee are of the opinion that any State or sovereign, having the means at command, are morally criminal if they neglect to contribute to each citizen or subject that individual usefulness and happiness which arises from a well cultured understanding. . . . Your committee cannot conceive a nobler idea than that of the genius of our country, hovering over the tattered son of some miserable hovel, leading his infant but gigantic mind in the paths of useful knowledge, and pointing out to his noble ambition the open way by which talented merit may

3. He introduced a resolution to advance money from the Literary Fund to be used "in aiding Archibald D. Murphey, of Orange County, in writing and publishing the History of this State."

reach the highest honors and preferments of our government."

The committee, accordingly, unanimously recommended the rejection of the bill to discontinue the Literary Fund.¹ The recommendation was accepted, the bill was lost, the Literary Fund was saved, and the foundation upon which our common school system was afterwards built was preserved intact.

In the Convention of 1835, in which he represented Guilford County, Morehead supported the amendments offered to the Constitution designed to democratize the State Government. Two of these amendments in particular have had a far-reaching influence on our history. One of them placed representation in the House of Commons on a basis of Federal population; the other took away from the Legislature the election of the Governor and gave it to the people. To this latter change we may trace the origin of two of the most important political institutions of our own day—the party State Convention and the pre-election canvass of the State by the nominees for State offices.

The first party State Convention ever held in North Carolina was the Whig Convention which met in Raleigh, November 12, 1839, and nominated

1. Coon: Public Education in North Carolina, 1790-1840, I., 376.

John M. Morehead for Governor.¹ There was a marked contrast between this convention and the last political convention held in North Carolina.² They were typical of the political conditions of the two eras in which they were held. The latter with its more than one thousand cheering, shouting, declaiming delegates, uncontrolled and uncontrollable, was truly representative of the aggressive direct democracy of the twentieth century. The former

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1. Ex-Gov. John Owen, delegate from Bladen, presided. A "General Committee of Thirteen," one from each Congressional District, was appointed "to take into consideration the purposes for which the Convention had assembled" and to report thereon. November 13th, this Committee reported, among other resolutions, the following: "Resolved, That having been inspired with a deep and lively sense of the eminent practical vigor, sound Republican principles, unblemished public and private virtues, ardent patriotism and decided abilities of John M. Morehead, of the County of Guilford, we do accordingly recommend him to our fellow citizens as a fit successor to our present enlightened Chief Magistrate, Governor Dudley."—Adopted unanimously. The platform of the Convention favored: (1) Economy in government; (2) Reform in the revenue system; (3) Reduction in the number of government employees; (4) Selection of government employees "without discrimination of parties;" (5) An amendment to the Federal Constitution to abolish the Electoral College; (6) One term of four years for the President; (7) A National Bank; (8) A division of the proceeds of public lands among the States on a basis of Federal population; (9) Public Education; (10) Strict Construction of the Constitution. It opposed: (1) Jackson's Spoil System; (2) Appointment of members of Congress to Federal offices during their terms in Congress; (3) Making judicial appointments for partisan reasons; (4) Interference of Federal Officers in elections; (5) Protective tariff; (6) The Federal Government's making internal improvements "except such as may be stamp'd with the national character;" (7) The Sub-Treasury Scheme; (8) Federal interference with slavery.

2. Reference is to the State Democratic Convention of 1912.

with its ninety-one sober, orderly, deliberative gentlemen of the old school, thoroughly responsive to the mallet of their chairman, was just as truly representative of the staid, self-restrained, representative democracy of the early nineteenth century.

Morehead's election as Governor followed a campaign that is memorable in the history of North Carolina as the first in which candidates for public office ever made a canvass of the State. But in other respects also his election and inauguration as Chief Executive marks a turning point in our history. He was the first governor to sit in the present State Capitol, in itself typical of the new era then dawning upon the State; and, what is more important still, he was among the first of our Governors to discard the old *laissez faire* policy which his predecessors had followed since the Revolution, and to come into office with a distinct program in view. This program he outlined in very general terms in his Inaugural Address before the members of the General Assembly, in the course of which he said:

"I shall be happy to co-operate with you in bringing into active operation all the elements of greatness and usefulness with which our State is so abundantly blessed. Other states have outstripped us in the career of improvements, and in the development of their natural resources, but North Carolina will stand a favorable comparison with most of her sister states in her natural advantages—her great extent of fertile soil, her great variety of production, her exhaustless deposits of mineral wealth, her extraordinary water-power, inviting to manufacturers, all, all combine to give her advantages that few other states possess. Whatever measures you may

adopt to encourage agriculture and to induce the husbandman while he toils and sweats to hope that his labors will be duly rewarded; whatever measures you may adopt to facilitate commerce and to aid industry in all departments of life to reap its full rewards, will meet with my cordial approbation. . . . It is equally our duty, fellow citizens, to attend to our moral and intellectual cultivation. . . . It is to our common schools, in which every child can receive the rudiments of an education, that our attention should be mainly directed. Our system is yet in its infancy; it will require time and experience to give to it its greatest perfection. . . . I doubt not, in due time, the legislative wisdom of the State will perfect the system as far as human sagacity can do it. And no part of my official duty will be performed with more pleasure than that part which may aid in bringing about that happy result.”¹

But we should not expect a man of Governor Morehead’s great practical wisdom to content himself with general observations. To reduce these general observations into a concrete, practical system was the work of his first two years in the Governor’s office, and when the Legislature of 1842 met he was ready with a message outlining a complete system of internal improvements.² His scheme embraced the further extension of the railroad lines already built in the State, the improvement of our rivers and harbors, the construction of extensive lines of turnpikes, and the linking of all three together in one general system of transportation. One of the

1. Raleigh Register, Jan. 5, 1841.

2. Journals of Legislature, 1842-43, pp. 405-22; Also Public Documents, 1842-43, Doc. No. 1.

ablest public documents in our history, this message, for its practical bearing on the problems of our own day, still repays a careful study. With reference to the great inland waterway now nearing completion, of which the connection between Pamlico Sound and Beaufort Harbor forms an important link, he said:

"Turning our attention to the eastern part of the State, two improvements said to be practicable, assume an importance that renders them national in their character. I allude to the opening of Roanoke Inlet and the connection of Pamlico Sound by a ship canal with Beaufort harbor. Frequent surveys of the first of these proposed improvements . . . establishes the feasibility of this work. The advantages arising from this improvement to our commerce are too obvious to need pointing out. But the view to be taken of its vast importance is in the protection it will afford to our shipping and the lives of our seamen. The difficulty and dangers so often encountered at Ocracoke Inlet render the connection between Pamlico Sound and Beaufort harbor of vast importance to the convenience and security of our commerce and shipping. It will be an extension of that inland navigation, so essential to us in time of war, and give access to one of the safest harbors on our coast, and one from which a vessel can be quicker at sea than from any other, perhaps, on the continent. In these improvements the commerce of the nation is interested; it becomes the duty of the nation to make them, if they be practicable and proper. I therefore recommend that you bring the attention of Congress to the subject in the manner most likely to effect the object. . . . We should assert a continual claim to our right to have this work effected by the

general government. . . . You would be saved the trouble of this appeal if the nation could witness one of those storms so frequent on our coast—could witness the war of elements which rage around Hatteras and the dangers which dance about Ocracoke—could witness the noble daring of our pilots and the ineffectual but manly struggles of our seamen—could see our coast fringed with wrecks and our towns filled with the widows and orphans of our gallant tars. Justice and humanity would extort what we now ask in vain.”

Of the conditions of transportation and travel in the central section of the State, he said:

“I would respectfully invite your attention to the public highways generally. . . . From Fayetteville, the highest point of good navigation, westward to the Buncombe Turnpike, a distance of some two hundred and fifty or three hundred miles, what navigable stream, railroad, turnpike, or macadamized highway gives to the laborer facilities of transportation? None! Literally none! This vast extent of territory, reaching from the Blue Ridge in the west to the alluvial region in the east, and extending across the whole State, it is believed, will compare with any spot upon the globe for the fertility of its soil, the variety of its productions, the salubrity of its climate, the beauty of its landscapes, the richness of its mines, the facilities for manufactures and the intelligence and moral worth of its population. Can another such territory, combining all these advantages, be found upon the face of the whole earth, so wholly destitute of natural or artificial facilities for transportation?

"What scheme, that is practicable," he asked, "will afford the desired facilities?" And in answer to this query he made two recommendations.

"The remedy for these evils is believed to be in good turnpikes. . . . I therefore recommend that a charter be granted to make a turnpike road from the city of Raleigh to some point westward selected with a view to its ultimate continuance to the extreme west. . . . Should this road be continued to Waynesboro [now Goldsboro], which might be done at comparatively small expense, the farmer would have the choice of markets, of Wilmington by the railroad, or New Bern by the river Neuse."

Further he recommended:

"That a charter be granted to make a turnpike from Fayetteville to the Yadkin River at some point above the Narrows, or, if deemed more expedient, to some point on a similar road leading from Raleigh westward, thus giving the west the advantages of both markets. . . . Should this road ever reach the Yadkin, no doubt is entertained of its continuance across the Catawba westward—thus giving to this road the advantages which will arise from the navigation of these two noble rivers."

Nearly seventy years were to pass before the State was ready for the execution of these plans, and it was left for the engineers of 1912 to realize what the statesman of 1842 had dreamed. A vaster work was waiting the constructive genius of Morehead.

Turing his eyes further westward, Governor Morehead foresaw the future development of the mountainous section of North Carolina. To make this region more interesting, he declared, we have only to make it more accessible, and continuing he said:

"The sublimity and beauty of its mountain scenery, the purity of its waters, the buoyancy and salubrity of its atmosphere, the fertility of its valleys, the verdure of its mountains, and, above all, its energetic, intelligent and hospitable inhabitants, make it an inviting portion of the State. . . . When good roads shall be established in that region, it is believed the population will increase with rapidity, agriculture improve, grazing will be extended, and manufactures and the mechanic arts will flourish in a location combining so many advantages and inviting their growth. The improved highways will be additional inducements to the citizens of other sections of our State to abandon their usual northern tours, or visits to the Virginia watering places, for a tour more interesting among our own mountains, much cheaper, and much more beautiful—a tour in which they will inspire health in every breath and drink in health at every draught."

Governor Morehead did not expect, indeed he did not desire that the General Assembly should proceed to put all of his recommendations into immediate effect. He realized only too well that such a procedure would require enormous outlays far beyond the resources of the State, and he never forgot that debts contracted today must be paid tomorrow. Sufficient warning of the effects of such a course was not lacking. Many of the Southern and Western States embarking in wild and extravagant schemes of internal improvements had made such vast expenditures that their treasuries had become bankrupt and their people oppressed with obligations which they could not meet; and to extricate themselves they had resorted to the very simple but very

effective means of repudiation. If Governor Morehead loved progress much, he detested repudiation more; and the most vigorous passage in his message is that in which he warns the Legislature against such a course. Said he:

"I would recommend that whatever schemes of expenditure you may embark in, you keep within the means at the command of the State; otherwise the people must be taxed more heavily or the State must contract a loan. The pressure of the times forbids the former—the tarnished honor of some of the States should make us, for the present, decline the latter. . . . North Carolina has been jeered for sluggishness and indolence, because she has chosen to guard her treasury and protect her honor by avoiding debt and promptly meeting her engagements. She has yielded to others the glory of their magnificent expenditures and will yield to them all that glory which will arise from a repudiation of their contracts. In the language of one of her noblest sons, 'It is better for her to sleep on in indolence and innocence than to wake up in infamy and treason.' "

The schemes outlined in Morehead's message of 1842 were laid before a Legislature controlled by the Democratic party, and the policy of that party was hostile to internal improvements. Morehead accordingly was forced to wait upon events for the consummation of his great schemes. In outlining these schemes he had given evidence of his extraordinary power of vision; the next few years were to bring him an opportunity to demonstrate his ability to transform his dreams into actual realities. This opportunity, for which he had so long waited, came

with the passage by the Legislature of 1849 of the act to charter "The North Carolina Railroad Company." The history of this measure—the long and bitter contest between the East and the West over the proposed railroad from Charlotte to Danville, the statesmanlike compromise of its advocates in accepting the road from Charlotte to Goldsboro, the prolonged struggle and ultimate victory in the House of Commons, the dramatic scene in the Senate wherein Calvin Graves immolated his own personal ambition on the altar of public duty—all this has been described so often that it is not necessary to repeat the story here. The act authorized the organization of a corporation with stock of \$3,000,000, of which the State was to take \$2,000,000 when private individuals had subscribed \$1,000,000 and actually paid in \$500,000. North Carolina had long stood at the turn of the road hesitatingly. By the passage of this act she finally made her decision. The enthusiasm of Governor Morehead, who was not usually given to picturesque language, was too great for plain speech. "The passage of the act," he declared, "under which this company is organized was the dawning hope to North Carolina; the securing its charter was the rising sun of that hope; the completion of the road will be the meridian glory of that hope, pregnant with the results that none living can divine."¹

For the next five years, during which the private subscription of \$1,000,000 was secured, the charter obtained, the company organized, the route surveyed, and the road constructed, the dominant figure

1. Report of the Directors of the North Carolina Railroad Co., Leg. Doc. 1850-51, Doc. No. 9.

in its history is the figure of John M. Morehead. In this period he performed his greatest service to the State and enrolled his name permanently among the builders of the Commonwealth. The experience of North Carolina in railroad building up to that time had not been encouraging. Both the Wilmington and Weldon and the Raleigh and Gaston railroads were bankrupt for the want of patronage. In the face of this fact, it was no slight achievement to raise a million dollars in North Carolina for another similar enterprise. Yet this is the task to which Governor Morehead now set himself. On June 15, 1849, he presided over a great Internal Improvements Convention at Salisbury at which measures largely suggested by himself, were adopted for securing subscriptions to the stock.¹ Placed by this convention at the head of an executive committee to carry out these measures, he pushed them with a vigor, determination, and wisdom that aroused the enthusiasm of the whole State and inspired confidence in the enterprise. Speaking of his work at a convention held in Greensboro, November 30, 1849, in the interest of the road, the Greensboro *Patriot* declared that "the determined spirit of this distinguished gentleman touched every heart in that assembly and awoke a feeling of enthusiasm and anxiety, deep, startling, and fervent as we have ever witnessed."² On March 6, 1850, Morehead was able to announce to a convention at Hillsboro that only

1. Raleigh Register, June 23, 1849. Similar conventions were held at Greensboro, Nov. 29, 1849; Raleigh Dec. 15, 1849; Goldsboro in January, 1850; and Hillsboro in March, 1850.

2. Quoted in the Raleigh Star, Dec. 5, 1849.

\$100,000 remained to be taken to complete the private subscription, and then announced his willingness to be one of ten men to take the balance. Nine others promptly came forward, subscribed their proportionate part, and thus ensured the building of the road.¹ "It is worthy of remark," declared Major Walter Gwynn, the eminent engineer whose skill contributed so much to the construction of the road, "that the whole amount was subscribed by individuals, without aid of corporations, the largest subscription thus made to any public improvement in the Southern country." The editor of the *Raleigh Star*, announced the completion of the private subscription with the following comments:

"We must be permitted to remark that the State owes much to that sterling man, Governor Morehead, for success in this enterprise; and that he who has heretofore been styled "wheel horse" in this matter, may be justly entitled to the appellation of a "whole team." Whilst we pen these hasty lines, the deep-mouthed cannon is pealing forth from Union Square commemorative of this great deed for North Carolina. We are not of a very excitable disposition, but we must confess that it makes our blood run quicker at every peal, so that we can scarcely restrain ourselves from responding to its notes, "Huzza! Huzza! for the railroad."²

On July 11, 1850, the private stockholders met at Salisbury and organized the company. The board of directors unanimously elected John M. Morehead president. He was continuously re-elected president

1. *Raleigh Star*, March 20, 1850.

2. *Raleigh Star*, March 6, 1850.

until 1855, when declining further election he was succeeded by Charles F. Fisher. During these five years of President Morehead's administration the North Carolina Railroad, truly described as "the greatest of all enterprises so far attempted by the State of North Carolina in the nature of a public or internal improvement," was constructed and opened to traffic. The surveys were commenced August 21, 1850; on July 11, 1851, at Greensboro, in the presence of an immense throng, ground for the laying of the rails was broken;¹ on January 29, 1856, the road was ready for cars from Goldsboro to Charlotte, a distance of two hundred and twenty-three miles. In his last report to the board of directors, Engineer Gwynn said that the breaking of ground for this railroad "may be justly regarded as an event which will ever be memorable in the annals of North Carolina—an era which marks her engaging with earnestness in honorable competition with her sister states in the great work of internal improvement which is to raise the State to that rank which the advantages of her situation entitle her to hold," and continuing, he said:

"From this memorable day, July 11, 1851, there has been no faltering or despondency; all have been united heart and hand in the great undertaking; the whole State, her entire people, catching the enthusiasm which it engendered, have come forth in their might and majesty battling in the cause of internal improvements, those heretofore signalized as laggards now pressing forward in the front rank. . . . The contractors on the North Carolina Railroad

1. For an interesting account of this ceremony see Raleigh Register, July 16, 1851.

were all stockholders, and with only two or three exceptions entirely destitute of experience in the work they undertook; they commenced their contracts very generally in January, 1852, and on the first of January, 1853, without the aid of a single dollar from the treasury of the company, but relying entirely upon their own credit and means, their united labor amounted to \$500,000, which, carried to the credit of their stock subscription, fulfilled the second condition of the subscription on the part of the State and brought her in as a partner in the great enterprise. This (coupling the subscription of a million dollars by individuals, chiefly farmers, and working out a half million on their own resources) is an achievement unprecedented in the annals of the public works of this or any other country, and wherever known (and it ought to be published everywhere) will disabuse the public mind and vindicate the energy, enterprise and industry of the citizens of the State. I have repeatedly said publicly, and perceiving no impropriety in it, I avail myself of this occasion to say that in my experience, now exceeding thirty years, I have not found on any public work with which I have been connected, a set of contractors more reliable than those with whom I have had to deal on the North Carolina Railroad, and none with whom my intercourse has been so pleasant and agreeable."

It is no small tribute to the wisdom and constructive genius of President Morehead to be able to say that, of all the contracts which, as president of the road, he had to make, the only one about which any controversy ever arose, or any charge of favoritism was ever made, was one which the State Directors,

for partisan political purposes, took out of his hands and referred for settlement to a committee of their own choosing.

This controversy was an incident in one of the most memorable events in Governor Morehead's career. Before the passage of the act to charter the North Carolina Railroad Company, the people of the central section of the State had asked the Legislature to charter a company to build a railroad from Charlotte to Danville, Va. The people of the East opposed this charter, and in 1849 its advocates accepted in its place the railroad from Charlotte to Goldsboro. Nearly ten years passed, therefore, before anything more was heard of the Danville connection. In 1858 the advocates of the Danville connection again brought forward their scheme, and asked for a charter for a company to build a road, without any aid from the State, to connect the North Carolina Railroad at Greensboro with the Richmond and Danville at Danville. The bill was introduced in the House of Commons in 1858 by Francis L. Simpson, of Rockingham, but everybody understood that it was in reality Governor Morehead's bill and he was its principal champion. The members from the East, supported by the *Raleigh Register* and the *Raleigh Standard*, immediately assailed the project as inimical to the interests of the North Carolina Railroad. The debate continued several days. It was participated in by several of the ablest debaters in the State, and was extended to embrace the whole subject and history of the State's policy toward railroads. Governor Morehead's administration of the affairs of the North Carolina Railroad was bitterly assailed. He was charged with mismanagement and

with a breach of faith and betrayal of the interests of the State, his opponents claiming that, while soliciting subscriptions to stock in the North Carolina Railroad Company, he had expressly promised to abandon forever all advocacy of the Danville connection. No more formidable attack, perhaps, has ever been made on any public man in the history of North Carolina. Arrayed against him, besides the two newspapers mentioned, were Robert R. Bridgers, of Edgecombe; W. T. Dortch, of Wayne; Pride Jones and John W. Norwood, of Orange, and Dennis D. Ferebee, of Camden, and others scarcely less distinguished for ability. Morehead's defence is still remembered as one of the really great forensic triumphs in our history. Mr. J. S. F. Baird, who represented Buncombe county in that Legislature, and who was not of Governor Morehead's political faith, under date of April 29, 1912, writes of the contest:

"After the lapse of fifty-four years it is impossible for me to recall many of the incidents of the debate, but this much I do remember, that Colonel Bridgers' attack on Governor Morehead was futile and did the Governor no harm, for he vindicated himself in the most thorough manner."

Two other members who themselves participated in the debate have left their testimony. John Kerr, of Rockingham county, said of Morehead's defence:

"Never was a more brilliant victory won than he achieved that day. His assailants were driven from all their positions, were pursued and routed, 'horse, foot and dragoons.' . . . They were *strong men* and the House felt the shock of battle while the conflict lasted. But when he closed his defence his assailants bore the air of deep dejection and discomfiture.

The House was enraptured with the display of power on the part of Governor Morehead, and no further charges were heard against him." Hon. Thomas Settle said: "For a time the attack seemed overwhelming, and Governor Morehead's friends feared that he would not be able to repel it. For five days he sat and received it in silence, but when he arose and as he proceeded with his defence, friend, foe, and everybody else was struck with amazement. We could scarcely realize that any man possessed such powers of argument and eloquence. His vindication was so complete that his assailants openly acknowledged it." Mr. C. S. Wooten, who did not hear the debate but remembers the impression it created in the State at the time, says of Morehead's effort: "I know of but one other instance in American history that can parallel Morehead's fight and that was when Benton, solitary and alone, made his fight against Calhoun, Clay and Webster in favor of his resolution expunging from the records of the Senate the resolution censuring General Jackson. There never has been such another instance in the history of the State of such moral courage, such heroic firmness, and such a grand exhibition of iron nerve." In the heat of the contest the Danville connection was almost forgotten in the attack on Morehead. The former was defeated by a strictly sectional vote; but Morehead achieved, according to all testimony, both contemporary and subsequent, a great personal triumph.

The North Carolina Railroad was only one link in the great State system which Morehead contemplated. As he himself expressed it this system was to include "one great leading trunk line of railway

from the magnificent harbor of Beaufort to the Tennessee line." Writing in 1866, he attributed the conception of this scheme to Joseph Caldwell and Judge Gaston, adding:

"Charter after charter, by the influence of these great men, was granted to effect the work, but the gigantic work was thought to be too much for the limited means the State and her citizens could then command, and the charters remain monuments of *their* wisdom and our folly, or inability to carry them out. A more successful plan it is hoped was finally adopted—to do this great work by sections. The North Carolina Railroad . . . was the first [section] undertaken."¹

The other sections were to be built between Goldsboro and Beaufort and between Salisbury and the Tennessee boundary. In accordance with this plan the Legislature, in 1853, incorporated "The Atlantic and North Carolina Railroad Company," and "The North Carolina and Western Railroad Company," to which Governor Morehead referred as "the contemplated extensions of the North Carolina Railroad." Immediately after the passage of these acts, Governor Reid ordered President Morehead and the directors of the North Carolina Railroad to make the necessary surveys. In an open letter to the Greensboro *Patriot*, Governor Morehead said of this order:

"I desire to give this pleasing intelligence to the friends of these enterprises, through your valuable paper, with an assurance that the work will be com-

1. Letter to the Stockholders of the North Carolina Railroad Co. Proceedings of the Seventeenth Annual Meeting, July 17, 1866.

menced at as early a day as practicable. . . . Not a moment is to be lost. The deep, deep regret is that these extensions are not now in full progress of construction. The giant strides of improvement around us should arouse us to action. The ignominious and pusillanimous complaint that Nature has done so little for us is a libel upon the old dame. Let us see if it is not. . . . We have at the eastern terminus of one of these extensions one of the finest harbors, at Beaufort, for all commercial purposes, on the whole Atlantic coast. And if the improvements at the mouth of Cape Fear shall succeed, as it is hoped they will, we shall have another port surpassed by few, if any, in the South. . . . But it may be asked, what commerce have we to require such a port as Beaufort? Let the answer be, the commerce of the world. Look at the location of this port—placed at the end of the North Carolina coast, which projects like a promontory into the Atlantic, midway and within sight of the great line of navigation between the North and the South, and within thirty minutes' sail of the ocean. Nature made it for a stopping place of commerce—the halfway house between the North and the South, where steamers may get their supplies of anthracite, semi-bituminous and bituminous coal. . . . But let us take a western view of the extensions. The road running from Beaufort along the Central Railroad [the North Carolina Railroad] and to the Tennessee line and thence along the lines already in progress of construction to Memphis will not vary one degree from a due west course. Extend the same line westward (and I predict it will surely be done) to the city of San Francisco, which is to become the great emporium of the East

India trade, and who can doubt that the trade of the Mississippi Valley, as well as that of the East Indies and China will crowd our ports?"¹

Under Morehead's supervision, the work of both the Atlantic and North Carolina Railroad, and the Western North Carolina Railroad was inaugurated. On June 17, 1858, the former was completed and ready for trains from Goldsboro to Beaufort Harbor; and a few months thereafter found trains running over the latter to within four miles of Morganton, while the entire route to the Tennessee line had been surveyed and partly graded. In 1866 a bill drawn in accordance with the original plan, was introduced in the Senate to consolidate these two roads and the North Carolina Railroad under the name of "The North Carolina Railroad Company." Morehead, now approaching the end of his long and useful career, strongly endorsed and supported this measure. One of his last public utterances was an appeal to the stockholders of the North Carolina Railroad Company to throw their powerful influence in favor of the consummation of the great plans for which he had given the best service of his life. After giving a brief resume of the railroad work done in the State he said:

"Here let us pause and take a survey of what has been done in *seven* years towards this great work. From Beaufort Harbor to Goldsboro the Atlantic and North Carolina Railroad Company have built ninety-six miles. From Goldsboro to Charlotte you [the North Carolina Railroad Co.] have built two hundred and twenty-three miles. From Salisbury to within four miles of Morganton the Western

1. Raleigh Register, June 25, 1853.

North Carolina Railroad have built seventy-six miles . . . making in all three hundred and ninety-five miles, from which deduct forty-three miles from Salisbury to Charlotte, and we have actually built of this great line three hundred and fifty-two miles in one continuous line. Think of it! Seven years! In the lifetime of a State or nation seven years is but as a moment in its existence. It would not cover the dawning of its existence. In the great day of a nation's improvements seven years would not be the sunrise of that day. We have done this great work in the twilight of our great day of internal improvement—a day which dawned so beautifully upon us, but which became enveloped in that gloom which shrouds the nation in mourning. But let us not despair. The day which dawned so beautifully upon us will yet reach its meridian splendor. Then let us be up and doing . . . and then the hopes, the dreams of the great and good Caldwell and Gaston will be realized. . . . You have the honor of being the pioneers in this great work executed in sections. Do yourselves now the honor to consolidate the whole and complete the original design. You, the most powerful and most independent of the three corporations, can, with much grace, propose to your sister corporations upon terms of justice and equity manifesting selfishness in naught but your name. Yield not that. The new consolidated corporation should be still "The North Carolina Railroad Company." This will be a corporation worthy of you, of your State, and of the great destinies that await it."¹

1. Letter to Stockholders, July 17, 1866.

What this great destiny was no man had foreseen so clearly as he. The traveler of 1914 along the line of the North Carolina Railroad sees the fulfilment of Morehead's dreams of 1850. He finds himself in one of the most productive regions of the New World. He traverses it from one end to the other at a speed of forty miles an hour, surrounded by every comfort and convenience of modern travel. He passes through a region bound together by a thousand miles of steel rails, by telegraph and telephone lines, and by nearly two thousand miles of improved country roads. He finds a population engaged not only in agriculture, but in manufacturing, in commerce, in transportation, and in a hundred other enterprises. Instead of a few old fashioned handlooms turning out annually less than \$400,000 worth of "home-made" articles, he hears the hum of three hundred and sixty modern factories, operating two millions of spindles and looms by steam, water, and electricity, employing more than fifty millions of capital, and sending their products to the uttermost ends of the earth. His train passes through farm lands that, since Morehead began his work, have increased six fold in value, that produce annually ten times as much cotton and seventy-five times as much tobacco. From his car window instead of the four hundred and sixty-six log huts that passed for schoolhouses in 1850, with their handful of pupils, he beholds a thousand schoolhouses, alive with the energy and activity of one hundred thousand school children. His train carries him from Goldsboro through Raleigh, Durham, Burlington, Greensboro, High Point, Lexington, Salisbury, Concord, Charlotte—villages that have grown into cities, old fields

and cross roads that have become thriving centers of industry and culture. Better than all else, he finds himself among a people, no longer characterized by their lethargy, isolation and ignorance, but bristling with energy, alert to every opportunity, fired with the spirit of the modern world, and with their faces steadfastly set toward the future.

The foundation on which all this prosperity and progress rests is the work done by John M. Morehead or inspired by him. No well informed man can be found today in North Carolina who will dispute his primacy among the railroad builders of the State. The North Carolina Railroad, the Atlantic and North Carolina Railroad, the Western North Carolina Railroad, the connecting link between the North Carolina and the Richmond and Danville railroads from Greensboro to Danville, all bear witness of his supremacy in this field. In one of the finest passages of his message to the General Assembly in 1842 he urged the building of good country roads; today there are five thousand miles of improved rural highways in North Carolina. He recommended the building of a Central Highway from Morehead City through Raleigh to the Tennessee line; today we have just witnessed the completion of a great State Highway piercing the very heart of the State almost along the very route he suggested seventy years ago. He suggested plans for extensive improvements of our rivers and harbors; today a "thirty-foot-channel-to-the-sea" has become the slogan of our chief port and the National Government is spending annually hundreds of thousands of dollars in the improvement of the Cape Fear, the Neuse, the Pamlico and other rivers of Eastern North Carolina. He urged the construction by the National

Government of an inland waterway for our coast-wise vessels through Pamlico Sound to Beaufort harbor; seventy years have passed since then, this enterprise has become national in its scope, the Federal Government has assumed charge of it, and the whole nation is anticipating the completion in the near future of an inland waterway from Maine through Pamlico Sound and Beaufort Harbor to Florida. First of all our statesmen Morehead realized the possibility of establishing at Beaufort a great world port; and although this dream has not yet been realized there are not lacking today men noted throughout the business world for their practical wisdom, inspired by no other purpose than commercial success, who have not hesitated to stake large fortunes on the ultimate realization of this dream also. A twentieth century statesman sent before his time into the world of the nineteenth century, Governor Morehead, as a distinguished scholar has declared, "would have been more at home in North Carolina today than would any other of our ante-bellum governors. He has been dead forty years, and they have been years of constant change and unceasing development. But so wide were his sympathies, so vital were his aims, so far sighted were his public policies, and so clearly did he foresee the larger North Carolina of schools, railroads and cotton mills, that he would be as truly a contemporary in the twentieth century as he was a leader in the nineteenth."¹

1. Smith, C. A.: "John Motley Morehead." Biographical History of N. C., Vol. 2, pp. 250-59.

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